

**CITY OF ROCHESTER
COUNCIL AGENDA
COUNCIL/BOARD CHAMBERS
GOVERNMENT CENTER
151 4TH STREET SE**

**MEETING NO. 2
REGULAR ADJOURNED**

**JANUARY 21, 2004
7:00 P.M.**

PLEDGE OF ALLEGIANCE

PAGE

1-2 **A) NONE: OPEN COMMENT PERIOD**

B) CALL TO ORDER

C) LETTERS AND PETITIONS

3-4 **D) CONSENT AGENDA/ORGANIZATIONAL BUSINESS**

- | | |
|--------------|---|
| 1) | APPROVED: Approval of Minutes |
| 5-8 2) | APPROVED: Appointment to the Rochester Civic Music Board |
| 9-12 3) | TABLED: Appointment to the Committee on Urban Design & Environment |
| 13-14 4) | APPROVED: 2004 Compensation for Department Heads |
| 15-16 5) | APPROVED: Adoption of Aquila Gas Franchise Ordinance |
| 17-18 6) | APPROVED: Agreement with the City of Rochester to spread biological solids on Airport Property |
| 19-20 7) | APPROVED: Licenses, Bonds & Miscellaneous Activities |
| 21-22 8) | APPROVED: Address & Owner Change for Boomers Lounge LLC – Exclusive On Sale & Sunday Intoxicating Liquor & Dance License |
| 23-24 9) | APPROVED: Off Sale Intoxicating Liquor License for Texano Liquor Store |
| 25-26 10) | APPROVED: Approval of Accounts Payable |
| 27-28 11) | APPROVED: Promotional Appointment – Motor Operator – Rochester Fire Department |
| 29-32 12) | APPROVED: Annexation Petition #03-22 by Joel Bigelow & Sons Enterprises, Inc. |
| 33-34 13) | APPROVED: Wetland Delineation and Replacement Plan – Penz-Orr Subdivision |

- 35-38 14) **APPROVED:** Orderly Annexation #03-28 by Kenneth Schoenfelder
- 39-42 15) **APPROVED:** Orderly Annexation #04-01 by Robert Eide
- 43-44 16) **APPROVED:** Acceptance of Donation of Radar Device from IBM
- 45-46 17) **APPROVED:** Amendment 1 to 1998 Traffic Signal Agreement with Olmsted County for Five Traffic Signals
- 47-48 18) **APPROVED:** County State Aid Street System Revisions Within the City of Rochester
- 49-50 19) **APPROVED:** Project Solicitation and Prioritization for Federal Highway Funds for FY 2008
- 51-52 20) **APPROVED:** Professional Services Agreement for Preliminary Design of the TH52/65th Street Interchange, J7212
- 53-54 21) **APPROVED:** Real Estate – Annexation of Properties in Cascade Township
- 55-56 22) **APPROVED:** Real Estate – Annexation of Properties in Cascade Township – Overland Drive NW project
- 57-58 23) **APPROVED:** Additions to the Municipal State Aid Street System
- 59-60 24) **APPROVED:** Additions to the Municipal State Aid Street System

E) HEARINGS

- 61-86 1) **CONTINUED TO FEBRUARY 2:** Continued Hearing on Zoning District Amendment #03-22 by COPAR Development to rezone from R-1 to B-4 and R-1x land located West of TH63, south of TH52 and Southtown Heights and north of 36th Street SW.
- 87-128 2) **CONTINUED TO FEBRUARY 2:** Continued Hearing on General Development Plan #219, to be known as Spring Brook Valley
- 129-160 3) **WITHDRAWN:** Continued Hearing on Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow
- 161-172 4) **APPROVED:** Final Plat #03-46 to be known as Waters Subdivision by Ron Braasch/Kevin Swanson

F) REPORTS AND RECOMMENDATIONS

G) RESOLUTIONS AND ORDINANCES
173-174

H) TABLED ITEMS

I) OTHER BUSINESS

J) ADJOURNMENT

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/21/04

AGENDA SECTION: OPEN COMMENT PERIOD	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. A
ITEM DESCRIPTION: OPEN COMMENT PERIOD		PREPARED BY: S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/21/04

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-1-24
ITEM DESCRIPTION: APPROVAL OF CONSENT AGENDA ITEMS		PREPARED BY: G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to discuss whether there are any of these items which you wish to have removed from the consent agenda approval and to have discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- 1) Approval of Minutes
- 2) Appointment to the Rochester Civic Music Board
- 3) Appointment to the Committee on Urban Design & Environment
- 4) 2004 Compensation for Department Heads
- 5) Adoption of Aquila Gas Franchise Ordinance
- 6) Agreement with the City of Rochester to spread biological solids on Airport Property
- 7) Licenses, Bonds & Miscellaneous Activities
- 8) Address & Owner Change for Boomers Lounge LLC – Exclusive On Sale & Sunday Intoxicating Liquor & Dance License
- 9) Off Sale Intoxicating Liquor License for Texano Liquor Store
- 10) Approval of Accounts Payable
- 11) Promotional Appointment – Motor Operator – Rochester Fire Department
- 12) Annexation Petition #03-22 by Joel Bigelow & Sons Enterprises, Inc.
- 13) Wetland Delineation and Replacement Plan – Penz-Orr Subdivision
- 14) Orderly Annexation #03-28 by Kenneth Schoenfelder
- 15) Orderly Annexation #04-01 by Robert Eide
- 16) Acceptance of Donation of Radar Device from IBM
- 17) Amendment 1 to 1998 Traffic Signal Agreement with Olmsted County for Five Traffic Signals
- 18) County State Aid Street System Revisions Within the City of Rochester
- 19) Project Solicitation and Prioritization for Federal Highway Funds for FY 2008

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

A

Request for Council Action

Page 2

January 21, 2004

- 20) Professional Services Agreement for Preliminary Design of the TH52/65th Street Interchange, J7212
- 21) Real Estate – Annexation of Properties in Cascade Township
- 22) Real Estate – Annexation of Properties in Cascade Township – Overland Drive NW project
- 23) Additions to the Municipal State Aid Street System
- 24) Additions to the Municipal State Aid Street System

COUNCIL ACTION REQUESTED:

Motion to/ approve consent agenda items

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/21/04

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AGENDA SECTION: Organizational Business	ORIGINATING DEPT: Mayor's Office	ITEM NO. D-2
ITEM DESCRIPTION: Appointment to the Rochester Civic Music Board		PREPARED BY: Mayor Brede

I hereby submit for your approval the following appointment to the Rochester Civic Music Board:

Erik Westra

1447 NW 13 Ave

Mr. Westra's term will expire December 2006.

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PERSONAL INFORMATION

Name ERIK WESTRA Ward _____
Address 1447 13th AVE NW Zip Code 55901
Phone (H) 507.252.0888 (B) 507.358.4774 (FAX) _____
E-mail erik@amalgamatedaudio.com

How long have you been a resident of Rochester? total years: 12

Are you or any of your family members presently employed by the City of Rochester or serving on any of the City's advisory boards?

Yes ☒ No ☐ If yes, explain: mother is public school teacher

EXPERIENCE AND EDUCATION

Name of Employer: Amalgamated Audio/Video
Occupation: Sales/Manager
Education: Bachelor's Degree in Journalism (print)
Community Service/Activities: NONE CURRENTLY

Please list major responsibilities that you have had or currently have in a community project or organization or in your occupation:

Civic/Professional Organization Memberships:

I am liason for Amalgamated with the
Rochester Builders association.

ADDITIONAL INFORMATION

Please indicate why you are interested in being appointed to an advisory board, and why you feel you are qualified to serve on the advisory board(s) previously indicated.

I have had many years of experience in the
realm of music and music booking/talent buying.

What do you believe you could contribute if appointed to an advisory board?

Insight, knowledge and a strong voice for
citizens my age. I want to help Rochester
grow artistically and musically.

How do you believe you would benefit if appointed to a Board or Commission?

I would gain the personal satisfaction of knowing I helped make Rochester a better city.

I am **NOT** available for Board/Commission meetings on the following evenings (circle):

Monday Tuesday Wednesday Thursday Friday

CONFLICT OF INTEREST

Conflict of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain, or other personal interest. A conflict of interest may also occur if you hold a private or other public position in addition to your City advisory board which may interfere with your discharge of your City responsibilities. In accordance with these definitions, do you have any legal or equitable interest in any business, however organized, which in the course of your participation in a City advisory board, could give rise to a conflict of interest?

Yes ____ No X If yes, please provide details on a separate sheet of paper.

Do you own any real property located in Rochester, other than your residence, in which you have a legal or equitable interest which, in the course of your participation in a City advisory board, could give rise to a conflict of interest?

Yes ____ No X If yes, please provide details on a separate sheet of paper.

As a Board, Commission or Committee member, what issue(s) might cause conflict between civic responsibility and personal/professional interests?

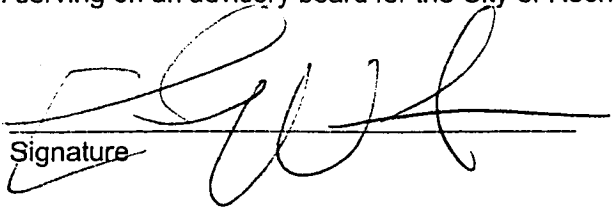
none

As required by City ordinance, if appointed to a City advisory board, you must complete a disclosure statement and file it with the City Clerk.

You may attach a resume if you desire. The selection process will vary according to the number of applicants and vacancies, and may not include interviews with all candidates.

Thank you for your interest in serving on an advisory board for the City of Rochester.

12/30/03
Date


Signature

p

REQUEST FOR COUNCIL ACTION

MEETING **9**

DATE: 1/21/04

AGENDA SECTION:

Organizational Business

ORIGINATING DEPT:

Mayor's Office

ITEM NO.**D-3****ITEM DESCRIPTION:** Appointment to the Committee on Urban Design & Environment
(CUDE)**PREPARED BY:**

Mayor Brede

I hereby submit for your approval the following appointment to the Committee on Urban Design & Environment (CUDE):

Jay Maier

71079 325 Street, Grand Meadow

Mr. Maier will fill the unexpired term of Ann Pierce. The term will expire March 2005.

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PERSONAL INFORMATION

Name Jay Maier Ward _____
Address 71079 325 St Grand Meadow Zip Code 55936
Phone (H) 533-6180 (B) 286-8733 (FAX) 533-6180
E-mail jay@forestandtree.com

How long have you been a resident of Rochester? —

Are you or any of your family members presently employed by the City of Rochester or serving on any of the City's advisory boards?

Yes — No ✓ If yes, explain: _____

EXPERIENCE AND EDUCATION

Name of Employer: Self Maier Forest & Tree
Occupation: Urban Forester
Education: B.S. Forestry, City Forester April '02 - Oct '03

Community Service/Activities: _____

Please list major responsibilities that you have had or currently have in a community project or organization or in your occupation:

Releaf Grant Organization - Arbor Day '03

Civic/Professional Organization Memberships:

International Society of Arboriculture

ADDITIONAL INFORMATION

Please indicate why you are interested in being appointed to an advisory board, and why you feel you are qualified to serve on the advisory board(s) previously indicated.

Strong interest in tree-related issues and a
concern for our urban environment

What do you believe you could contribute if appointed to an advisory board?

Technical expertise on tree-related issues

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How do you believe you would benefit if appointed to a Board or Commission?

More well rounded experience.

I am **NOT** available for Board/Commission meetings on the following days / evenings (circle):

Monday Tuesday Wednesday Thursday Friday

CONFLICT OF INTEREST

Conflict of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain, or other personal interest. A conflict of interest may also occur if you hold a private or other public position in addition to your City advisory board which may interfere with your discharge of your City responsibilities. In accordance with these definitions, do you have any legal or equitable interest in any business, however organized, which in the course of your participation in a City advisory board, could give rise to a conflict of interest?

Yes ____ No ☒ If yes, please provide details on a separate sheet of paper.

Do you own any real property located in Rochester, other than your residence, in which you have a legal or equitable interest which, in the course of your participation in a City advisory board, could give rise to a conflict of interest?

Yes ____ No ☒ If yes, please provide details on a separate sheet of paper.

As a Board, Commission or Committee member, what issue(s) might cause conflict between civic responsibility and personal/professional interests?

As required by City ordinance, if appointed to a City advisory board, you must complete a disclosure statement and file it with the City Clerk.

You may attach a resume if you desire. The selection process will vary according to the number of applicants and vacancies, and may not include interviews with all candidates.

Thank you for your interest in serving on an advisory board for the City of Rochester.

11/21/03
Date

Jay C. Muni
Signature

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REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/21/04

13

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: ADMINISTRATION	ITEM NO. D-4
ITEM DESCRIPTION: 2004 COMPENSATION FOR DEPARTMENT HEADS		PREPARED BY: S. KVENVOLD

The City department heads are a non-union group that does meet as a "meet and confer" group to present compensation requests.

The 2004 compensation recommendation for the department heads is as follows:

1. A 3% increase in base pay for the department heads with a corresponding adjustment to the pay ranges, effective January 1, 2004.
2. The department heads would be eligible for a pay for performance increase of 0 – 1 ½% dependent upon an evaluation of their performance on their anniversary date.
3. Personal Leave Time to be awarded as follows:

Years of Service

0-3

3-5

5-7

Personal Leave Hours

28 hours

36 hours

48 hours

This is the same as awarded in 2003

COUNCIL ACTION REQUESTED:

Request a motion approving the 2004 compensation for department heads as recommended.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/21/04

15

AGENDA SECTION:
Consent Agenda

ORIGINATING DEPT:
CITY ADMINISTRATOR

ITEM NO.

D-5

ITEM DESCRIPTION: Adoption of Aquila Gas Franchise Ordinance

PREPARED BY:
T. SPAETH

The City and Aquila representatives have been working on the adoption of an ordinance relating to a gas franchise within the City of Rochester. Under the proposed franchise ordinance, the City would grant Aquila a non-exclusive right to operate, construct and maintain a public gas utility. Aquila would have the right to utilize the City's public rights-of-ways and public grounds for the purpose of extending, enlarging, repairing and maintaining its gas distribution and transmission equipment and facilities. The proposed franchise term is for a ten (10) year period from the effective date. The City, at its option, may extend the franchise for an additional ten (10) year period.

Subject to reasonable economic feasibility criteria and the terms of any MPUC approved tariff, Aquila shall provide extensions of its pipes and mains to serve customers within the existing and future limits of the City. In the event that Aquila would refuse to provide service extension (based upon feasibility criteria), they must provide notice of such action to the City. The ordinance also contains language related to construction restrictions and relocation of facilities. The City may require Aquila to move facilities at the company's sole cost if the City is doing a right-of-way or public ground improvement project that is based upon the need to avoid interference and is for a public purpose. In the event that the City requests Aquila to relocate its facilities for a non public purpose or for the benefit of a commercial or private project, then Aquila shall receive payment from the commercial or private developer for the cost of such relocation. A relocation of Aquila facilities within a public right-of-way which is subsidized in whole or in part by the Federal government shall not be an obligation of Aquila if such costs under the prevailing law are the obligation of the Federal government.

The ordinance also contains language relating to indemnification and insurance requirements. Aquila must indemnify and hold the City harmless from any and all claims arising out of the company's negligence or wrongdoing. Under the rates and service section of the ordinance, there is a provision that states that the City reserves the right to regulate the rates and terms and conditions of Aquila's gas service to the City to the full extent permitted by law and to the extent that such regulation is not preempted by the state or federal government. (Please note that the MPUC regulates the provision of gas service and rates charged for service under Minnesota Statutes.). Any time Aquila applies to the MPUC to change its rates or terms and conditions of gas service, it must provide notice of its application to the City. The City may elect to intervene in proceedings before the MPUC or any other court or agency involving Aquila operations on behalf of the City or customers located in the City.

At this time, the City is not imposing a franchise fee as part of the adoption of this ordinance. The ordinance does, however, contain a provision that allows the Council, at its discretion at any time during the term of the ordinance to impose a franchise fee based upon a flat fee and the volumetric rates per 100 cubic feet of gas sold or delivered to retail customers within the current and future limits of the City.

COUNCIL ACTION REQUESTED:

A copy of the ordinance was provided to the Mayor and Council separate from the agenda due to its length.

Approval of ordinance relating to a gas franchise with Aquila, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

17
1-21-04**AGENDA SECTION:**

Consent

ORIGINATING DEPT:

Rochester International Airport

ITEM NO.

D-6

ITEM DESCRIPTION: Agreement with the City of Rochester to spread biological solids on Airport Property.**PREPARED BY:**
Steven W. Leque

The Rochester Airport Commission recommends and requests Council authorization to:

Renew the Agreement between the City of Rochester and the Rochester Airport Company for the spreading of biological solids from the Water Reclamation Plant on 1105.76 acres of Airport Property. This agreement reflects an additional 40 acres with a \$5 dollar increase to \$105 per acre.

COUNCIL ACTION REQUESTED:

Resolution authorizing the Mayor and the City Clerk to execute the Agreement for the City.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/21/04

19

AGENDA SECTION:
CONSENT AGENDA**ORIGINATING DEPT:**
CITY CLERK**ITEM NO.**

D-7

ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES**PREPARED BY:**
DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

GAMBLING – PREMISE RENEWAL

Community Charities of Minnesota
115 S Riverfront Dr. PO Box 819
Mankato, Mn. 56002

PREMISES AT:

Recreation Lanes
2810 N. Bdwy
Pint's Pub
530 11th Ave NW

GAMBLING – TEMPORARY - RAFFLE

Rochester Post Bulletin Charities
18 1st Ave SE
Rochester, Mn. 55904
Raffle 3/24 - 25/04 AT
Graham Arena
16th St & 3rd Ave SE

MISCELLANEOUS

Optimist Club of Rochester
Frozen Goose Relay 2/14/04 9:30 AM to 11:30 AM
Eastwood Road & Eastwood Golf Course

National Multiple Sclerosis Society
MS Walk 5/2/04 10:00 AM to 4:00 PM
Soldiers Field

COUNCIL ACTION REQUESTED

A motion to approve the above licenses, bonds and miscellaneous activities.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

2

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/21/04

21

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

CITY CLERK

ITEM NO.

D-8

**ITEM DESCRIPTION: ADDRESS & OWNER CHANGE FOR BOOMERS LOUNGE LLC –
EXCLUSIVE ON SALE & SUNDAY INTOXICATING LIQUOR & DANCE LICENSE****PREPARED BY:**

DONNA J SCHOTT

Application has been received from Bradley Button for the location and owner change for his Exclusive On Sale and Sunday Liquor and Dance License for Boomers Lounge LLC, which was originally approved for 1605 Civic Center Dr NW. Opening of the new Street Bar is scheduled for February 15, 2004 at the new location of 3737 40th Ave NW. Jennifer Mewhorter along with Bradley Button is the other 50% owner in the place of Donald Janasak.

Approval of the location change would be pending the required insurances, fees and all departmental approvals.

COUNCIL ACTION REQUESTED

A motion to approve the location change of Boomers Lounge LLC for an Exclusive On Sale and Sunday Intoxicating Liquor and Dance License from 1605 Civic Center Dr NW to 3737 40th Ave NW.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/21/04

23

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-9
ITEM DESCRIPTION: OFF SALE INTOXICATING LIQUOR LICENSE FOR TEXANO LIQUOR STORE		PREPARED BY: DONNA J SCHOTT

Application has been received from Maria De Lourdes Salinas for an Off Sale Intoxicating Liquor License to be located at 325 South Broadway. The scheduled opening is February 2, 2004.

Approvals of the license would be pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily.

COUNCIL ACTION REQUESTED

A motion to approve the application for an Off Sale Intoxicating Liquor License for Texano Liquor Store located at 325 South Broadway.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/19/04

25-

AGENDA SECTION:
Consent Agenda**ORIGINATING DEPT:**
Finance Department**ITEM NO.**

D-10

ITEM DESCRIPTION:
Approval of Accounts Payable**PREPARED BY:**
Dale Martinson

Respectfully request a motion to approve the following cash disbursements:

Investment purchases of \$7,990,599.90

Accounts payable of \$2,976,204.67

Total disbursements \$10,966,804.57

(Detailed listing of disbursements submitted separately.)

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/21/04

27

AGENDA SECTION:

Organizational / Consent

ORIGINATING DEPT:

Human Resources

ITEM NO.

D-11

ITEM DESCRIPTION: Promotional Appointment - Motor Operator -
Rochester Fire Department**PREPARED BY:**

L Gilsrud

The death of Steve Weist, Motor Operator, January 13, 2004 creates a vacancy for the position of Motor Operator.

The Fire Civil Service Commission has submitted the certified list of eligible candidates for the position of Motor Operator and recommends the appointment of the candidate to the position of Motor Operator.

COUNCIL ACTION REQUESTED:

Promotional appointment of **Christopher Bailey** to the position of Motor Operator in the Rochester Fire Department effective January 22, 2004.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____



REQUEST FOR COUNCIL ACTION

MEETING
DATE: 01-21-04

29

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PLANNING	ITEM NO. D-12
ITEM DESCRIPTION: Annexation Petition # 03-22-by Joel Bigelow & Sons Enterprises, Inc. to annex approximately 14 acres of land located along the south side of 41 st Street NW, along the east side of West Circle Drive NW and north of 40 th Avenue NW.		PREPARED BY: Theresa Fogarty, Planner

January 15, 2004

Planning Department Recommendation:

See attached staff report, dated January 15, 2004.

The property taxes payable in the year an annexation is effective will be paid to the Township. For the five year following annexation, the City will make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The 2004 Township portion of the taxes, on the property to be annexed, is \$4.42.

Council Action Needed:


- 1. If the Council wishes to proceed as petitioned, they shall sign the amendment prepared by the City Attorney to the Cascade Township Orderly Annexation Agreement indicating that the 14 acres of land located along the south side of 41st Street NW, along the east side of West Circle Drive and north of 40th Avenue NW be annexed without hearings by the Department of Administration – Municipal Boundary Adjustments.***
- 2. The signed amendment should be transmitted to the Department of Administration – Municipal Boundary Adjustments by the City Clerk (attached is a filing fee in the amount of \$28.00).***
- 3. The Council should instruct the City Attorney to prepare an ordinance that all land included in this annexation be zoned "I - Interim" upon annexation.***

Attachments

**The City Attorney has advised that this land could have been annexed under the landowner petitioned 60 acres or less provisions.

1. Staff report, dated January 15, 2004.

However, this joint resolution process also permits the land to be annexed at this time. Please approve the joint resolution amendment.



Distribution:

1. City Administrator
2. City Clerk: Filing Fee Attached
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Wednesday, January 21, 2004 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

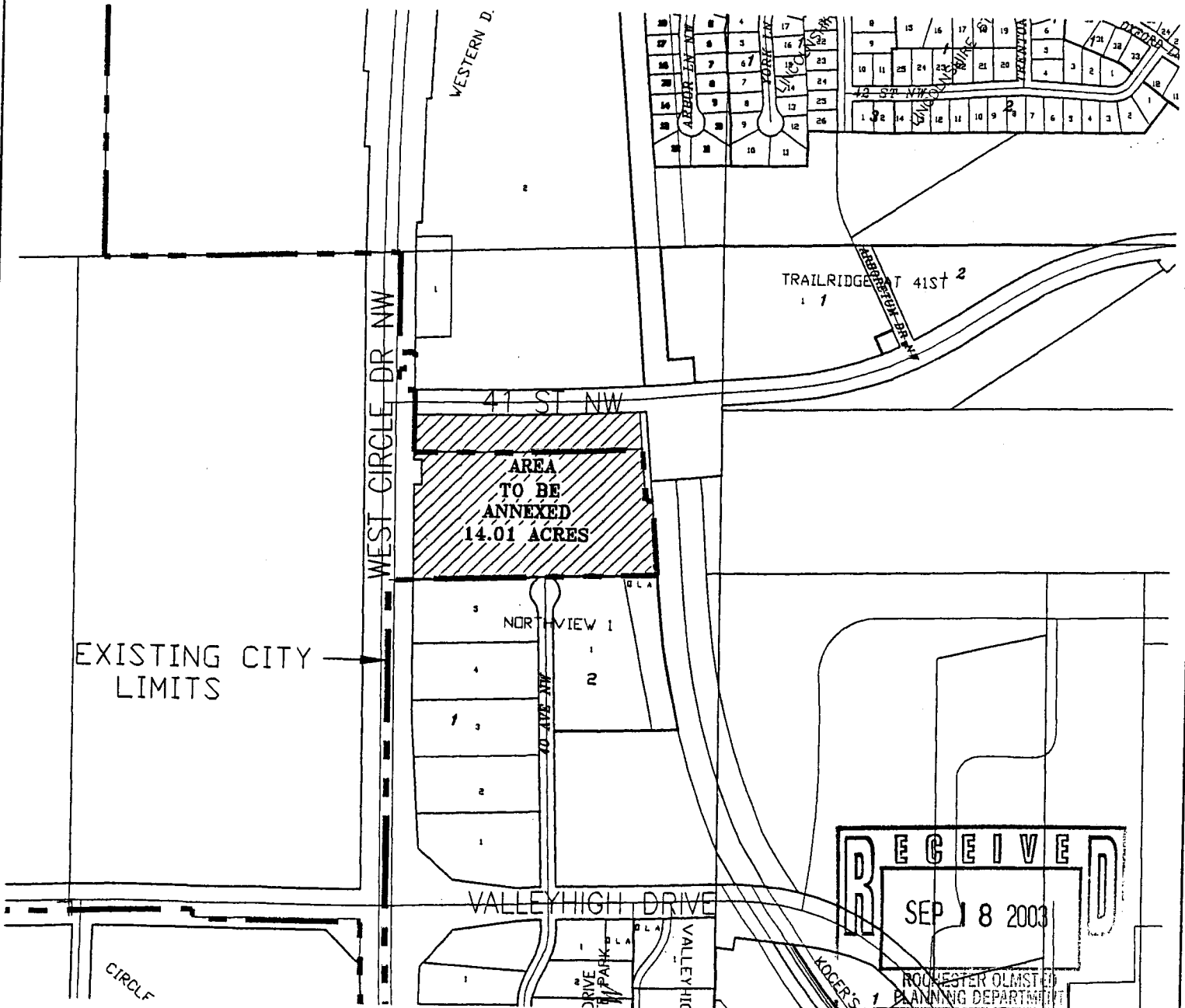
30

ANNEXATION EXHIBIT

DESCRIPTION:
SEE ATTACHED



SCALE 1" = 600'



FDR :

BIGELOW ENTERPRISES
706 CTY RD 3 NW
BYRON, MN

Lead Surveying
Urban-Land
Planning
Consulting - Civil
Engineering

McGhie



Geotechnical
Engineering
Construction Material
Testing
Landscape
Architecture

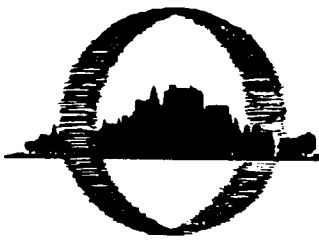
SCALE: 1" = 600'

DRAWN BY: MMM

DATE: 09/16/03

ACCT. NO.: 1084/3095

Code No 3095ANNE



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Council

FROM: Theresa Fogarty, Planner

DATE: January 15, 2004

RE: Annexation Petition # 03-22-by Joel Bigelow & Sons Enterprises, Inc. to annex approximately 14 acres of land located along the south side of 41st Street NW, along the east side of West Circle Drive NW and north of 40th Avenue NW.

Planning Department Review:

Applicants/Owners:

Joel Bigelow & Sons, Enterprises, Inc.
706 County Road 3 NW
Byron, MN 55920

Existing Land Use:

This property is currently undeveloped land.

Existing Zoning:

The property is zoned A-4 (Agricultural Urban Expansion) on the Olmsted County zoning map.

Future Zoning:

It is recommended that this property be placed in the "I" Interim Zoning District until a petition to amend the zoning district has been approved by the City Council.

Land Use Plan:

This property is designated for "Industrial" use on the Rochester Urban Service Area Land Use Plan.

Orderly Annexation Agreement:

A Joint Resolution for orderly annexation for certain property situated in the Town of Cascade, Olmsted County, State of Minnesota was executed by Cascade Township on May 5, 1976 and the City of Rochester on May 17, 1976. This property is included in the Joint Resolution.

Utilities:

Pursuant to Minnesota Statutes 414.033 (subd.13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

Townboard Review:

An Amendment for this property, to the Joint Resolution for Orderly Annexation with Cascade Township has been executed by the Cascade Townboard.

Report Attachments:

1. Annexation /Location Map



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Staff Recommendation:

The Joint Resolution for Orderly Annexation between the City of Rochester and the Town of Cascade allows immediate annexation of said property for orderly annexation to the City of Rochester. In such instances, review by the Rochester Planning and Zoning Commission shall not be required to the City acting upon said request.

The Town of Cascade has executed the Amendment to the Joint Resolution, therefore, staff recommends that the City adopt the Amendment to the Joint Resolution for Orderly Annexation annexing the 14.0 acres of land located along the south side of 41st Street NW, along the east side of West Circle Drive NW and north of 40th Avenue NW located in That part of the NE ¼ of the NE ¼ of Section 20, Cascade Township.

The City Planning and Zoning Commission recommendation shall include the City Zoning classification as "I" Interim.

REQUEST FOR COUNCIL ACTION

MEETING
DATE:

33
1-21-04

AGENDA SECTION:
CONSENT AGENDA

ORIGINATING DEPT:
PLANNING

ITEM NO.

D-13

ITEM DESCRIPTION: Wetland Delineation and Replacement Plan – Penz-Orr Subdivision

PREPARED BY:
John Harford, Senior
Planner

January 8, 2004

Wetland Delineation and Replacement Plan:

In early 2003 a wetland area was identified by the applicant's consultant on this property located south of 65th St., NW and immediately west of US 52. This Type 1 remnant wetland is located in a temporarily flooded waterway of a cropped farm field. The wetland consists of a total of 0.74 acres. The applicant proposes to fill the entire wetland. The applicant intends to purchase wetland credits from a wetland bank owner located within the Root River watershed in Mower County. Based on the WCA regulations the Technical Evaluation Panel determined that the replacement ratio is required to be 2.25:1. The required replacement area, therefore, is 1.67 acres.

Planning Staff Recommendation:

The staff recommends approval of this wetland replacement plan with a condition that the applicant complete the wetland credit withdrawal process with the city, credit owner, and MN Board of Water and Soil Resources.

City Council Action:

1. The council should pass a resolution approving the replacement plan.

Attachments:

1. Wetland Map
2. Copy of Notice of Wetland Conservation Act Application
3. Wetland Credit Purchase Agreement.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, November 6, 2000 in the Council Chambers at the Government Center.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

25

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 01-21-04

35

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PLANNING	ITEM NO. D-14
ITEM DESCRIPTION: Orderly Annexation #03-28, by Kenneth Schoenfelder. The applicant is petitioning to annex approximately 26.10 acres of land in accordance with the Orderly Annexation Agreement with Marion Township. The property includes a portion of the former Western Digital site and is located along the northeast side of Marion Road and the north side of 25 th Street SE.		PREPARED BY: Theresa Fogarty, Planner

January 14, 2004

Planning Department Recommendation:

See attached staff report, dated January 14, 2004.

As part of the Orderly Annexation Agreement, property taxes payable on annexed land shall continue to be paid to the Town of Marion for the entire year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, based on the date specified in the order from the Minnesota Municipal Board, the City may levy on the annexed areas beginning with that levy year. If the annexation becomes effective after August 1 of a levy year, the Town may continue to levy on the annexed area for that levy year. Thereafter property taxes on the annexed land shall be paid to the City.

Council Action Needed:

- 1. If the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare a resolution to be adopted and transmitted to the Department of Administration – Municipal Boundary Adjustments.*
- 2. The signed resolution and a copy of the Joint Resolution for Orderly Annexation (Marion Area #3) should be transmitted to the Department of Administration – Municipal Boundary Adjustments by the City Clerk (attached is a filing fee for the application in the amount of \$52.28). The resolution and a copy of the Joint Resolution shall also be sent to the Town of Marion and the Olmsted County Auditor/Treasurer.*

Attachments

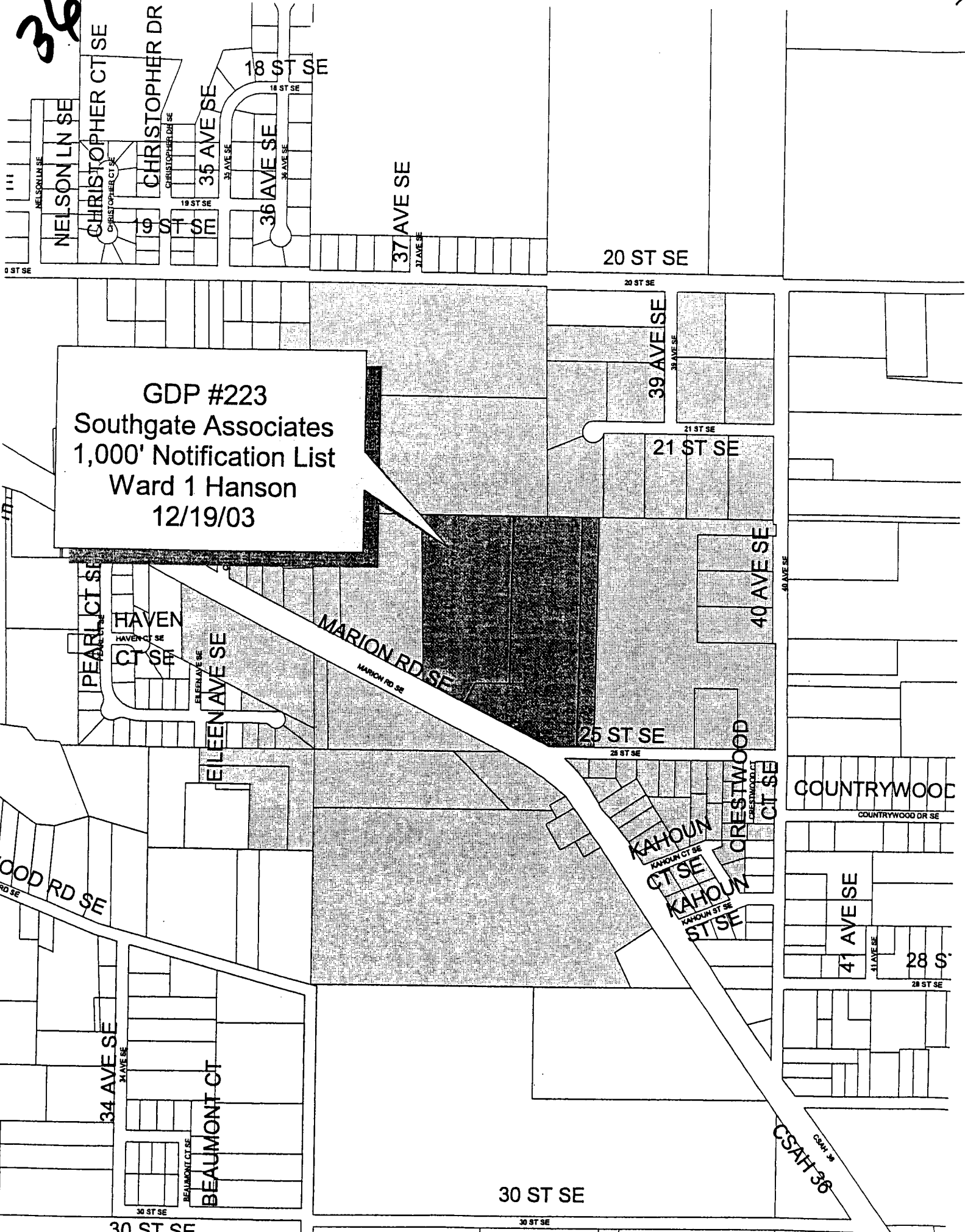
1. Staff report, dated January 14, 2004.

Distribution:

1. City Administrator
2. City Clerk: Filing Fee Attached
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Wednesday, January 21, 2004 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. GGG Engineering

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

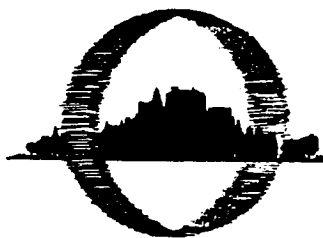
36



GDP #223
Southgate Associates
1,000' Notification List
Ward 1 Hanson
12/19/03

30 ST SE

CSA# 36



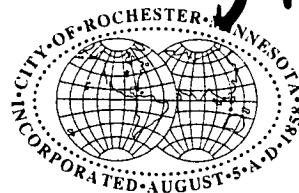
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Council

FROM: Theresa Fogarty, Planner

DATE: January 14, 2004

RE: Orderly Annexation #03-28, by Kenneth Schoenfelder. The applicant is petitioning to annex approximately 26.10 acres of land in accordance with the Orderly Annexation Agreement with Marion Township. The property includes a portion of the former Western Digital site and is located along the northeast side of Marion Road and the north side of 25th Street SE.

Planning Department Review:

Applicants/Owners:

Southgate Associates
Kenneth Schoenfelder
2331 Pinestar Lane SE
Rochester, MN 55904

Existing Land Use:

There are existing commercial buildings on a portion of the site, the remainder is vacant.

Existing Zoning:

The property is zoned M-1 (Mixed Commercial - Industrial) on the Rochester Zoning Map.

Future Zoning:

Upon annexation, the property will continue to be zoned M-1 (Mixed Commercial - Industrial) district on the Rochester zoning map.

Land Use Plan:

This property is designated for "industrial" uses on the Rochester Urban Service Area Land Use Plan.

Orderly Annexation Agreement:

A Joint Resolution for orderly annexation for certain property situated in the Town of Marion, Olmsted County, State of Minnesota was executed by Marion Township on September 14, 1999 and the City of Rochester September 21, 1999. This property is included in the Joint Resolution (Marion Area #3).

Adjacency to the Municipal Limits:

The area proposed for annexation is not adjacent to the city limits. The annexation request is allowed, according to the Joint Resolution for Orderly Annexation between the City of Rochester and the Townboard of Marion, Item #7, Paragraph (c).

Utilities:

Pursuant to Minnesota Statutes 414.033 (subd.13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.



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Townboard Review: Townboard review is not required for this annexation.

Referral Comments: Not required.

Report Attachments: 1. Location Map

Staff Recommendation:

Section 7, Paragraph (c) of the Joint Resolution for Orderly Annexation (Marion Area #3) between the City of Rochester and Townboard of Marion allows any lands contained in the orderly annexation area may be annexed to the City upon adoption of a resolution when a landowner seeks to develop a residential, commercial, industrial, or governmental use on land which is platted or subdivided or which is proposed to be platted or subdivided for development of a density of more than one unit per 40 acres. In such instances, the City may immediately annex the area proposed to be developed and the adjacent necessary land, which in the City's discretion, is needed to extend municipal sewer or water service to the area to be annexed.

Staff recommends that the City adopt a resolution annexing the property.

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 01-21-04

39

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PLANNING	ITEM NO. D-15
ITEM DESCRIPTION: Orderly Annexation #04-01, by Robert Eide. The applicant is petitioning to annex four parcels of land totaling approximately 2 acres in accordance with the Orderly Annexation Agreement with Marion Township. The property is located along the south side of T.H. 14 East, east of the Knights of Columbus and west of the Hundred Acre Woods Subdivision.		PREPARED BY: Theresa Fogarty, Planner

January 13, 2004

Planning Department Recommendation:

See attached staff report, dated January 13, 2004.

As part of the Orderly Annexation Agreement, property taxes payable on annexed land shall continue to be paid to the Town of Marion for the entire year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, based on the date specified in the order from the Minnesota Municipal Board, the City may levy on the annexed areas beginning with that levy year. If the annexation becomes effective after August 1 of a levy year, the Town may continue to levy on the annexed area for that levy year. Thereafter property taxes on the annexed land shall be paid to the City.

Council Action Needed:

- 1. If the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare a resolution to be adopted and transmitted to the Department of Administration – Municipal Boundary Adjustments.***
- 2. The signed resolution and a copy of the Joint Resolution for Orderly Annexation (Marion Area #2) should be transmitted to the Department of Administration – Municipal Boundary Adjustments by the City Clerk (attached is a filing fee for the application in the amount of \$25). The resolution and a copy of the Joint Resolution shall also be sent to the Town of Marion and the Olmsted County Auditor/Treasurer.***

Attachments

1. Staff report, dated January 13, 2004.

Distribution:

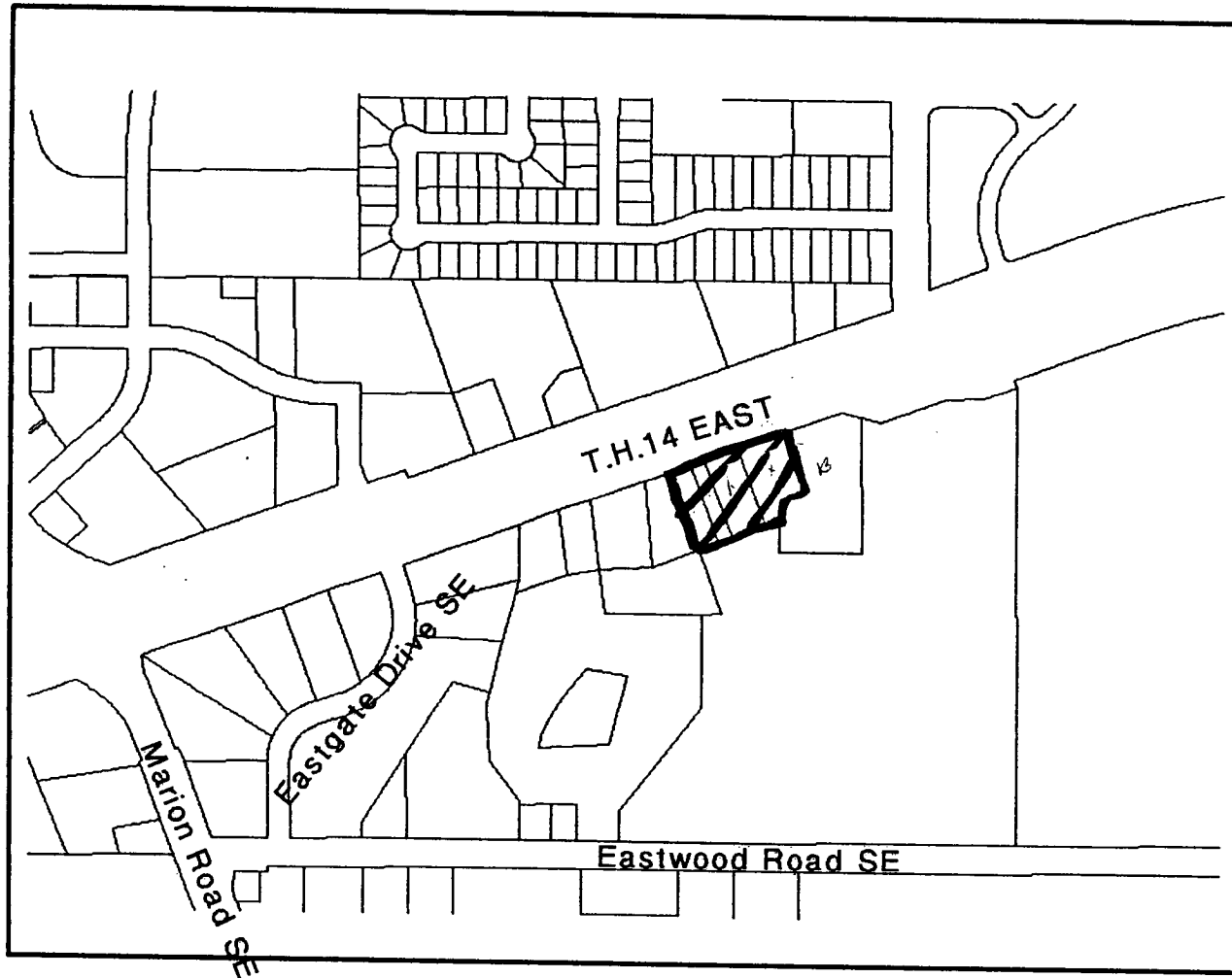
1. City Administrator
2. City Clerk: Filing Fee Attached
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Wednesday, January 21, 2004 in the Council Chambers at the Rochester / Olmsted County Government Center.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

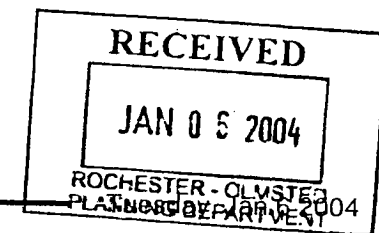
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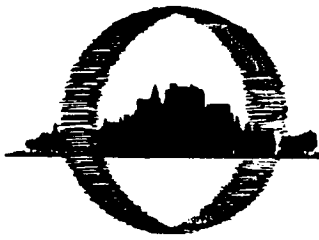
ESRI ArcExplorer 2.0

Map Title



- airport.dwg
- 2003januaryparcels
- Property Information
- county zoning feb 2003 (ZONING_DIS)
- Agricultural
 - Agricultural Protection
 - Agricultural Residential C
 - Agricultural Urban Expansi
 - Highway Commercial
 - Industrial
 - Low Density Residential
 - Mixed Low Density Resident
 - Recreational Commercial
 - Rural Residential
 - Rural Service Center
 - Special District





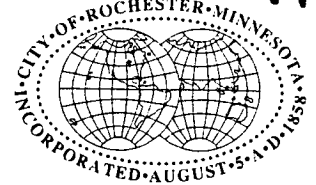
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Council

FROM: Theresa Fogarty, Planner

DATE: January 13, 2004

RE: Orderly Annexation #04-01, by Robert Eide. The applicant is petitioning to annex four parcels of land totaling approximately 2 acres in accordance with the Orderly Annexation Agreement with Marion Township. The property is located along the south side of T.H. 14 East, east of the Knights of Columbus and west of the Hundred Acre Woods Subdivision.

Planning Department Review:

Applicants/Owners:

Eide Enterprises LLC
Eide/Paulson LLC
EE & P LLC
Robert Eide
2002 Highway 14 East
Rochester, MN 55904

Existing Land Use:

This is currently the location for a drywall business known as Superior Contractors.

Existing Zoning:

The property is zoned B-4 (General Commercial) on the Rochester Zoning Map.

Future Zoning:

Upon annexation, the property will continue to be zoned B-4 (General Commercial) district on the Rochester zoning map.

Land Use Plan:

This property is designated for "commercial" uses on the Rochester Urban Service Area Land Use Plan.

Orderly Annexation Agreement:

A Joint Resolution for orderly annexation for certain property situated in the Town of Marion, Olmsted County, State of Minnesota was executed by Marion Township on September 14, 1999 and the City of Rochester September 21, 1999. This property is included in the Joint Resolution (Marion Area #2).

Adjacency to the Municipal Limits:

All four lots are adjacent to the city limits along the south side of TH Highway 14 East.

Utilities:

Pursuant to Minnesota Statutes 414.033 (subd.13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.



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Sewer and Water: Municipal sewer and water will be available to serve this area.

Townboard Review: Townboard review is not required for this annexation.

Referral Comments: Not required.

Report Attachments: 1. Location Map

Staff Recommendation:

Section 7, Paragraph (b) of the Joint Resolution for Orderly Annexation (Marion Area #2) between the City of Rochester and Townboard of Marion allows any lands contained in the orderly annexation area may be annexed to the City upon adoption of a resolution when a landowner abuts the City limits and said landowner files a petition for annexation with the City. In such instance, review by the Rochester Planning and Zoning Commission shall not be required prior to the City acting upon said petition.

Staff recommends that the City adopt a resolution annexing the property.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: Jan 21, 2004

43-

AGENDA SECTION:
Consent Agenda**ORIGINATING DEPT:**
Police**ITEM NO.**

D-16

ITEM DESCRIPTION: Acceptance of Donation of Radar Device from IBM**PREPARED BY:**
Roger Peterson

IBM has offered to donate a Kustom, HR-5 Radar Unit to the Rochester Police Department. The radar will be used for traffic enforcement. The value of the donation is estimated to be \$1000. There are no conditions attached to the donation.

COUNCIL ACTION REQUESTED:

Approval to accept the donation of a radar unit from IBM.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

24

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

45
1-21-04**AGENDA SECTION:**

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-17

ITEM DESCRIPTION: Amendment 1 to 1998 Traffic Signal Agreement with Olmsted County for Five Traffic Signals**PREPARED BY:**

WJF D. Kramer JPK

The City of Rochester entered into an agreement with Olmsted County dated April 28, 1998 for construction of five traffic signals as listed below:

1. County State-Aid Highway (CSAH) 22 (55th Street NW) & TH 52 West Frontage Rd – Clearwater Rd NW
2. CSAH 22 (West Circle Dr NW) & 55th Street NW (near Econo Foods)
3. CSAH 22 (West Circle Dr NW) & CSAH 4 (Valleyhigh Rd NW)
4. CSAH 22 (West Circle Dr NW) & 7th Street NW
5. CSAH 22 (Salem Rd SW) & CSAH 8 (Bamber Valley Rd SW)

Traffic signal numbers 2, 3, and 4 were built per the 1998 agreement.

Traffic signal 1 was built in 2003 per a separate June 24, 2003 agreement with the county. It needs to be removed from the 1998 agreement.

Regarding traffic signal 5, the 1998 agreement indicated the cost split would be 25% city, 75% county, based on the expectation at the time that the intersection would have a city street approach on the north and three CSAH (county) approaches. In fact no city street approach was constructed at this intersection. This traffic signal was constructed by the city in 2002 with three CSAH approaches and no city street approach. The 1998 agreement needs to be revised to reflect the cost for this signal as 100% county.

The City Attorney has reviewed and indicated concurrence with Amendment 1 to the April 28, 1998 agreement. The amendment:

- Deletes intersection 1 from the agreement.
- Changes the cost split for intersection 5 to be 0% city cost, 100% county cost.

This agreement amendment is expected to be approved by the County Board at their January 27, 2004 meeting.

COUNCIL ACTION REQUESTED:

Approve Amendment 1 to the April 28, 1998 City-County agreement for construction of five traffic signals, and authorize the Mayor and Clerk to execute the agreement.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

2/2

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

47
1/21/04**AGENDA SECTION:**
CONSENT AGENDA**ORIGINATING DEPT:**
Public Works**ITEM NO.**

D-18

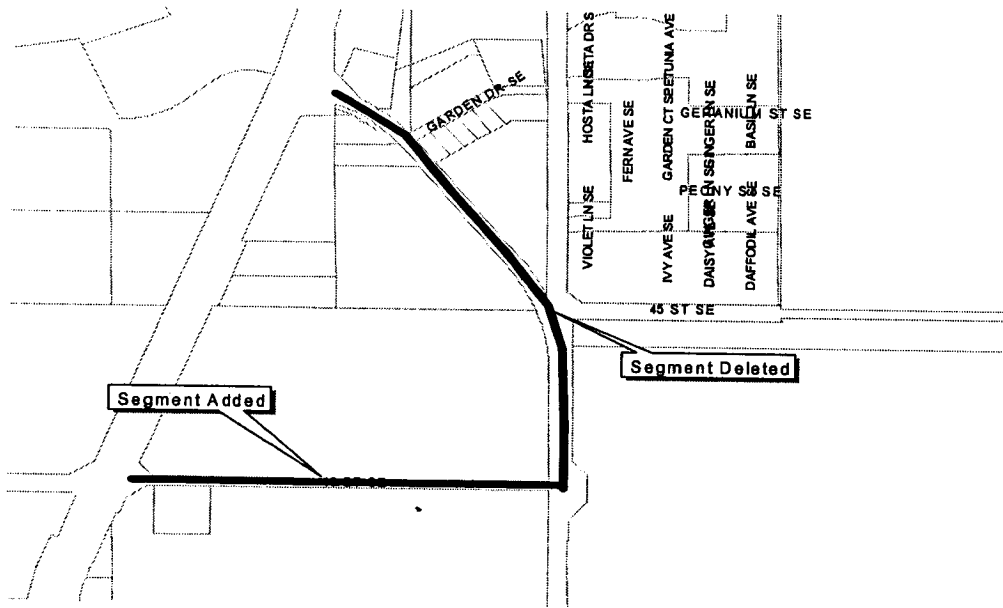
ITEM DESCRIPTION: County State Aid Street System Revisions within the City of Rochester**PREPARED BY:**

W D. Nelson

At their November 26, 2002 meeting, Olmsted County Board revoked an existing segment of their CSAH 20 (St. Bridget Rd SE) and added a portion of 48th Street as a part of CSAH 20 and submitted it the Commissioner of Transportation for approval.

Because these portions of CSAH 20 lie within the city limits of the City of Rochester, MnDOT requires concurrence by the City Council.

The Public Works Department recommends City Council concurrence with this action.



COUNCIL ACTION REQUESTED:

Adopt a resolution concurring with Olmsted County Boards redesignation of a portion of CSAH 20 (St. Bridget Rd).

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

2A

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

1/21/04

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-19

ITEM DESCRIPTION:

Project Solicitation and Prioritization for Federal Highway Funds for FY 2008

PREPARED BY:

W/D. Nelson

Mn/DOT is again seeking candidate road projects for the State Transportation Improvement Program (STIP). This request is for projects to be let during Fiscal Year 2008 (Oct 1, 2007 to Sep 30, 2008). These projects are funded through the Federal Transportation Bill, TEA-21.

The application deadline is February 1, 2004. The applications must include prioritizing projects if more than one is submitted. Local agencies submitting a project must also commit to funding a minimum of 20% of the construction costs, all the design & inspection cost, and all the ROW costs. Mn/DOT normally receives applications for more projects than can be funded. Applications are reviewed and ranked by the Southeastern Minnesota Area Transportation Partnership (ATP). Agencies that have successful project applications will be notified in about three months.

Public Works staff has identified the following projects that we feel would compete well for the federal funding, and we recommend the applications be submitted for these in the priority listed:

ROAD PROJECTS (FY2008)				
Pri.	Category	Description	Cost Est	Federal Cost Share
1	Preservation	11th Ave NW from 6th St to 9th St NW	\$970,000	\$730,000
2	Reconstruction	Center St from Zumbro River Bridge to 3rd Ave	\$1,400,000	\$700,000
3	Expansion	40th Street SW from TH63 to 11th Ave SW	\$3,290,000	\$1,645,000
4	Expansion	Eastwood Road S.E. from Marion Rd to TH 14	\$7,910,000	\$3,950,000

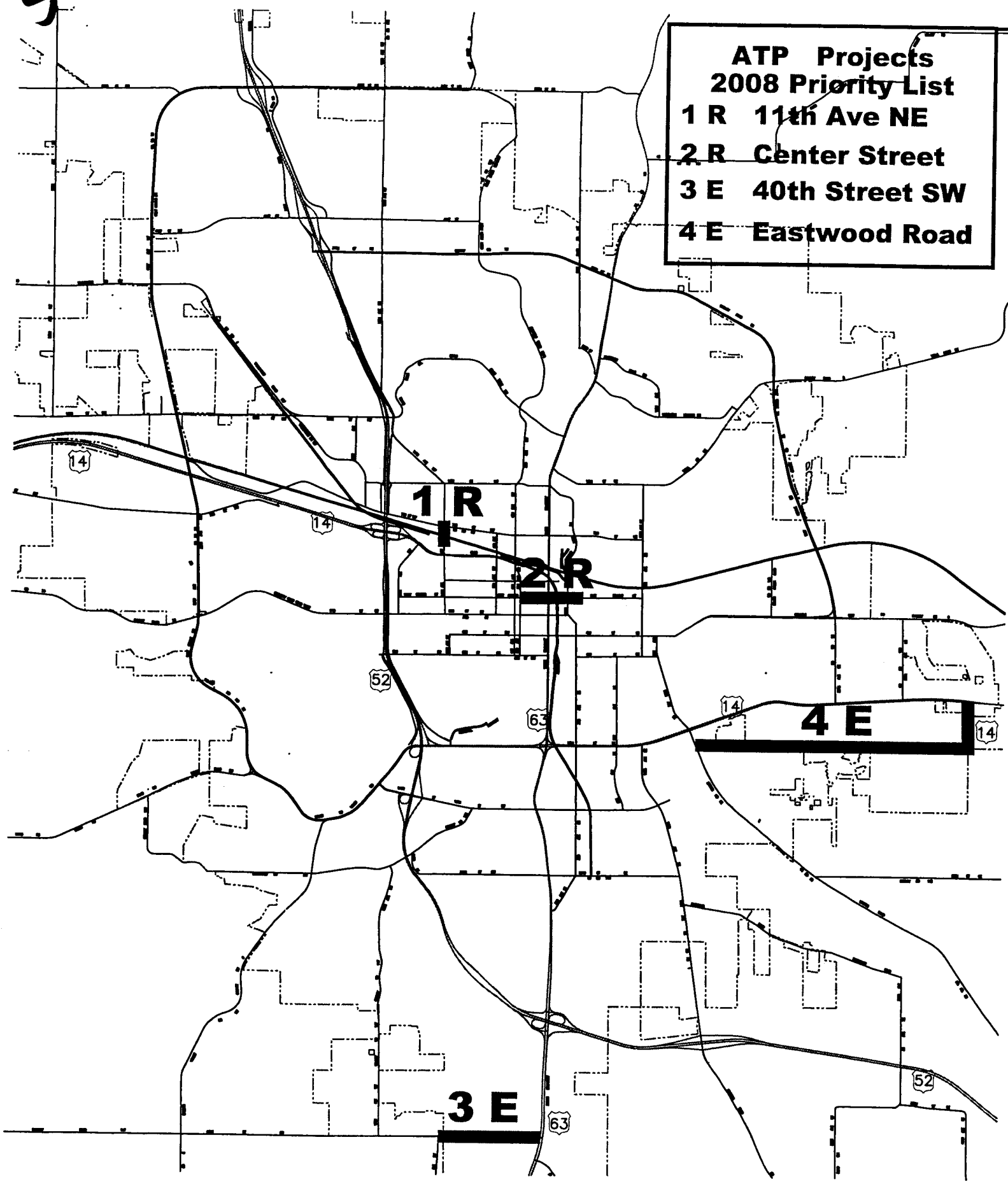
COUNCIL ACTION REQUESTED:

Adopt a resolution acknowledging the City's support, sponsorship and priority of the STIP road projects, authorizing the City Engineer to act on the City's behalf in filing and administering this application including a commitment to secure and guarantee the local share of the project costs including the construction costs, all the design and inspection costs, and all the ROW costs.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

9

- ATP Projects
2008 Priority List**
- 1 R 11th Ave NE**
 - 2 R Center Street**
 - 3 E 40th Street SW**
 - 4 E Eastwood Road**



REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/21/04

51

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-20
ITEM DESCRIPTION: Professional Services Agreement for Preliminary Design of the TH 52/ 65 th Street Interchange, J7212		PREPARED BY: R. Freese <i>RF</i>

The City of Rochester and the Minnesota Department of Transportation have had numerous discussions over the past 5 years regarding the need for a new interchange on TH 52 at 65th Street NW to serve the current development and the projected urban growth along and north of 65th Street NW. The City's 25-Year Urban Service Area was expanded by Olmsted County to include the area along TH 52 from 65th Street to 90th Street NW. The City staff continues to receive regular requests from landowners and developers in this area regarding future access to their property and to TH 52 at 65th Street NW. The yet to be completed Land Use Plan and Zoning changes in this area are in some ways dependant on the access the property will have to TH 52.

In July 2003 ROCOG completed and submitted to MnDOT an Interchange Justification Report entitled: "65th Street NW Interchange Justification Request". Approved by ROCOG in February 2003, the "formal request" seek MnDOT consideration of a proposal to amend the ROCOG Long Range Thoroughfare Plan to identify the junction of 65th Street NW and TH 52 North in Rochester as the location for a future full access interchange, and to approve in concept the construction of future interchange ramp access between 65th Street NW and TH 52 at this location.

On September 25, 2003 representatives of the City staff, Mayor Brede, Council President Hunziker, and Councilmember Marcoux meet with MnDOT officials to discuss the ROCOG Study and to seek MnDOT's support for the construction of the new interchange. As a result of the meeting MnDOT agreed in principal to the construction of the interchange. Their concurrence was predicated on the City satisfying 5 conditions. One of the conditions was that the interchange met all current federal and state design requirements.

Certain portions of the future interchange at included in the ROC 52 Project. The bridge over TH 52 will be constructed to accommodate the future interchange. The proposed improvements to 65th Street, Bandel Road and 34th Avenue NW in the ROC 52 Project are at this time inconsistent with the improvements necessary to support the traffic volumes associated with the construction of an interchange at this location. MnDOT and the ROC 52 Project Contractor, ZRC, are willing to incorporate the necessary improvements to 65th Street, Bandel Road, and 34th Avenue into the ROC 52 Project if the City provides that information within the next 3-4 months. Additionally, the preparation of the preliminary design drawings at this time will facilitate a formal approval of the interchange design by MnDOT.

The Public Works staff is recommending that the City retain the professional transportation planning and engineering services of SRF Consulting to prepare the environmental documentation and preliminary engineering design services necessary to obtain the final MnDOT and FHWA approvals for the proposed interchange at TH 52 65th Street NW. SRF had been retained by Olmsted County and MnDOT to prepare the Environmental Assessment, Layout Plan and Final Design for the TH 52 / 75th Street NW interchange and associated access roads and grade separations at 85th Street and 65th Street NW. Additionally, SRF assisted the City and ROCOG staff in preparing the 65th Street Interchange Justification report. The estimated cost of the work tasks shall not exceed \$92,525.

COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute a Professional Engineering Services Agreement with SRF Consulting to prepare the environmental documentation and preliminary engineering design services necessary to obtain the final MnDOT and FHWA approvals for the proposed interchange at TH 52 / 65th Street NW; City Project J7212.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

52

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

1/21/04

53

AGENDA SECTION:
CONSENT AGENDA

ORIGINATING DEPT:
Public Works

ITEM NO.

D-21

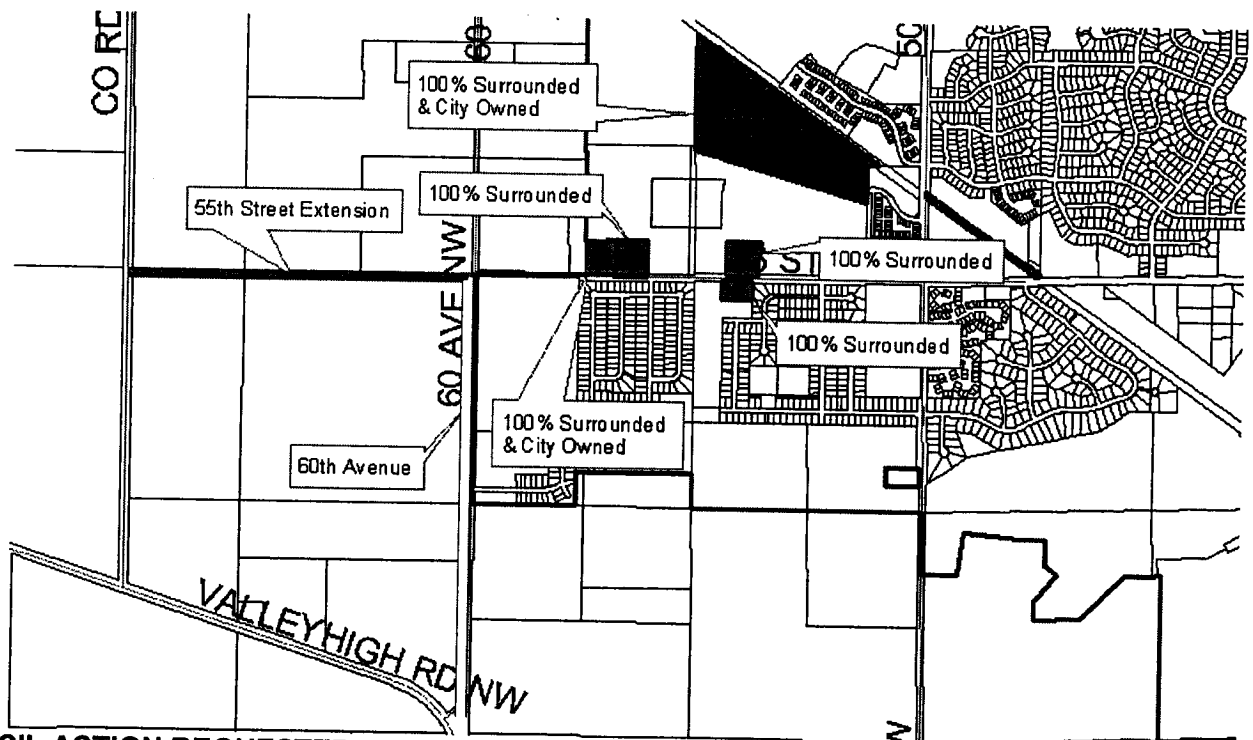
ITEM DESCRIPTION: Real Estate – Annexation of properties in Cascade Township

PREPARED BY:
M. Nigbur

The City of Rochester is in the process of designing the reconstruction of 55th Street NW Phase II (52nd Avenue to 60th Avenue NW). This project will require use of MSAS funding to allow the project to continue. However, to use this MSAS funding source the right of way must be within the corporate limits of the City and must connect two equal or higher order municipal state aid streets or county roads. In this instance the City is proposing a 55th Street link, through annexation, lying from West Circle Drive (a county road) to County Road 3 (a county road).

To accomplish this link several properties need to be annexed. These properties are either 100% surrounded and are under the City's ownership or the property is Right of Way. Staff is requesting the following properties to be annexed as part of a Joint Resolution with the Township:

- Welch Property – City owned & 100% surrounded
- Smoldt Property – City owned & 100% surrounded
- Pittenger Property – Right of Way only even though the Property is 100% surrounded
- Krebsbach Property – Right of Way only even though the Property is 100% surrounded
- Clowes Property – Right of Way only even though the Property is 100% surrounded



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute a Joint Resolution on the annexation of these City Owned Lands and the right of way of 55th Street.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

5A

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

1/21/04

55

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-22

ITEM DESCRIPTION:

Real Estate – Annexation of properties in Cascade Township – Overland Drive NW project

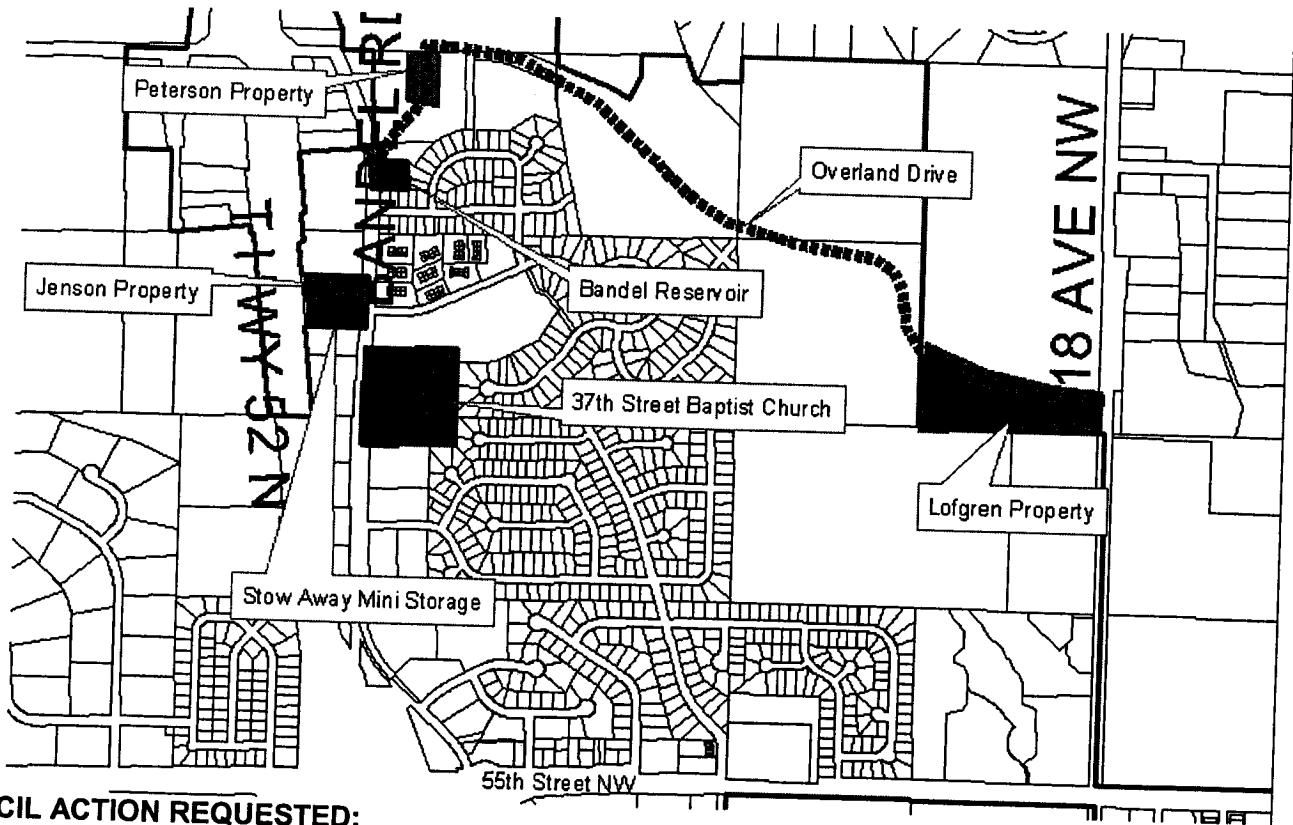
PREPARED BY:

M. Nigbur

The City of Rochester is in the process of designing the Overland Drive NW project (Bandel Road to 18th Avenue NW). This project will require use of MSAS funding to allow the project to continue. However, to use this MSAS funding source the right of way must be within the corporate limits of the City and must connect two equal or higher order municipal state aid streets or county roads. In this instance the City is proposing the link to include both Overland Drive and Bandel Road, from 18th Avenue NW (a county road) along Overland Drive down Bandel Road to 55th Street NW.

To accomplish this link portions of several properties need to be annexed. Some of these properties are 100% surrounded and are under the City's ownership or the property is Right of Way. Staff is requesting the following properties to be annexed as part of a Joint Resolution with the Township:

- Bandel Reservoir Property – City Owned
- Lofgren Property – Right of Way only.
- Peterson Property – Right of Way only even though the property is 100% surrounded
- Jenson Property – Right of way only even though the property is 100% surrounded
- Stow Away Mini Storage – Right of way only even though the property is 100% surrounded
- 37th Street Baptist Church – Right of way only even though the property is 100% Surrounded 100% surrounded & the property owner has requested annexation.

**COUNCIL ACTION REQUESTED:**

Authorize the Mayor and City Clerk to execute a Joint Resolution on the annexation of these City Owned Land and the right of way of Bandel Road and Overland Drive.

COUNCIL ACTION:

Motion by: _____ Second by: _____ to: _____

285

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/21/04

57

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-23

ITEM DESCRIPTION: Additions to the Municipal State Aid Street System

PREPARED BY:

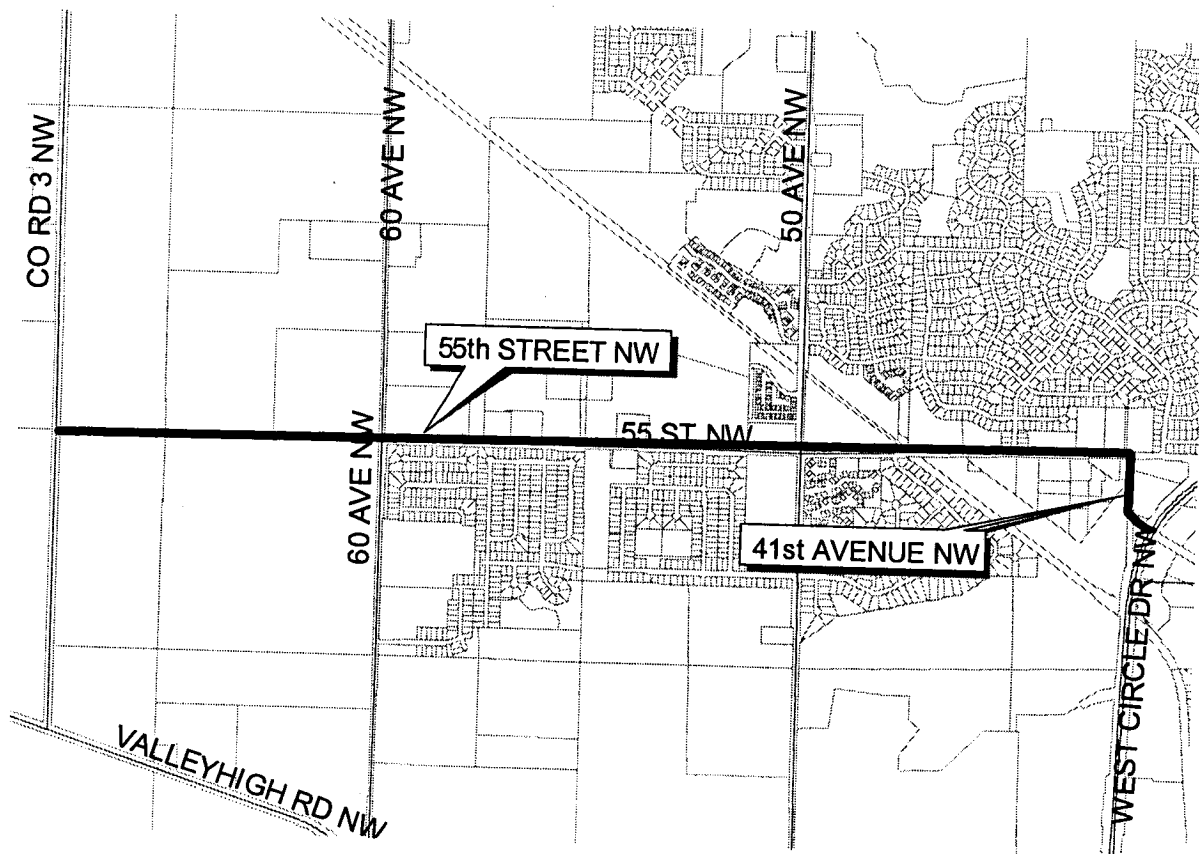
D. Nelson

The Public Works Department requests that the City Council adopt a resolution adding these road segments to the City's Municipal State Aid System. The following road segments should be added:

- a. 41st Avenue NW from 55th Street NW south to CSAH 22 (0.18 miles)
- b. 55th Street NW from 41st Ave NW to 60th Ave NW (1.72 miles)
- c. 55th Street NW from 60th Ave NW to CSAH 3 (0.74 miles)

Adding these segments to the City's Municipal State Aid System will enable us to use State Aid funds for costs of future work associated with transportation capacity improvements in this corridor.

The City, as of 1/1/04, has 15.11 miles of undesignated MSAS mileage available.



COUNCIL ACTION REQUESTED:

1. Adopt a resolution adding a future street segment along 41st Avenue NW and portions of 55th Street NW to the City's Municipal State Aid System.
2. Provide these resolutions to the Commissioner of Transportation for approval.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

50

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/21/04

59

AGENDA SECTION:
CONSENT AGENDAORIGINATING DEPT:
Public Works

ITEM NO.

D-24

ITEM DESCRIPTION: Additions to the Municipal State Aid Street System

PREPARED BY:

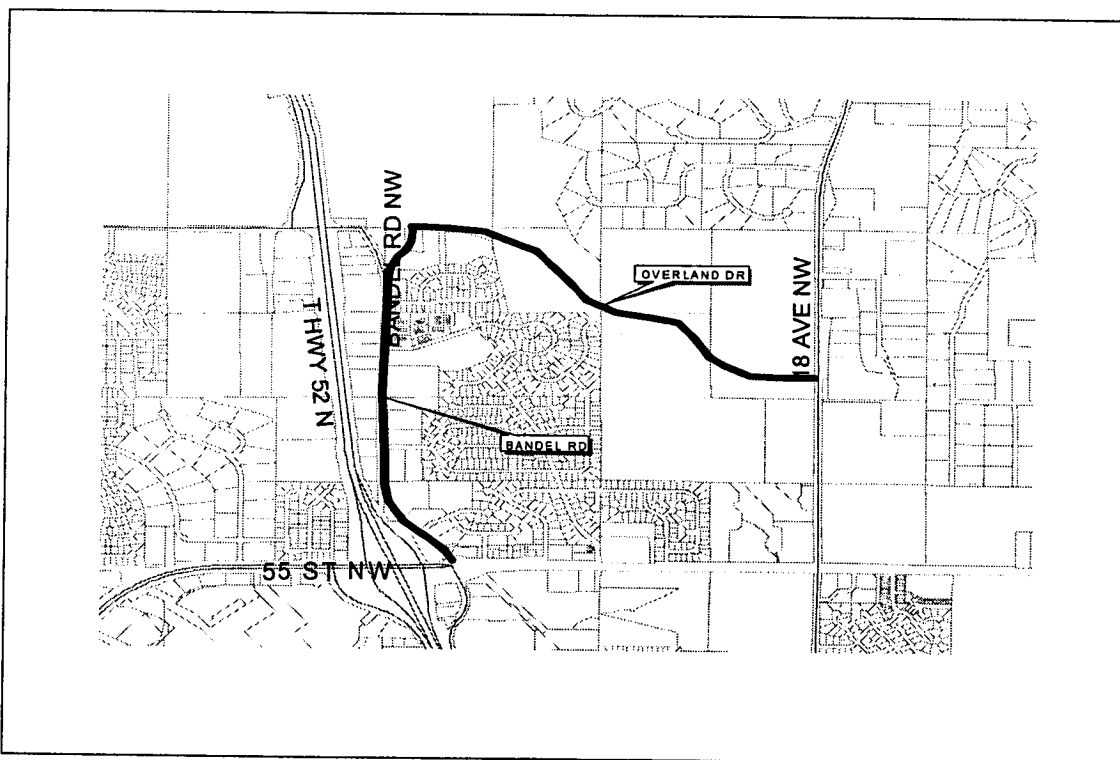
wf D.Nelson

The Public Works Department requests that the City Council adopt a resolution adding these road segments to the City's Municipal State Aid System. The following road segments should be added:

- a. Bandel Road NW from 55th St NW to Overland Drive NW (1.04 miles)
- b. Overland Drive NW from Bandel Road NW to County Road 112 (18th Ave NW) (1.11 miles)

Adding these segments to the City's Municipal State Aid System will enable us to use State Aid funds for costs of future work associated with transportation capacity improvements in this corridor.

The City, as of 1/1/04, has 15.11 miles of undesignated MSAS mileage available.



COUNCIL ACTION REQUESTED:

1. Adopt a resolution adding Bandel Road NW and Overland Drive NW to the City's Municipal State Aid System.
2. Provide these resolutions to the Commissioner of Transportation for approval.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

60

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-21-04

61

AGENDA SECTION:
CONTINUED - PUBLIC HEARINGS

ORIGINATING DEPT:
PLANNING

ITEM NO.

E-1

ITEM DESCRIPTION: Zoning District Amendment #03-22, by COPAR Development, proposing to re-zone 94.14 acres of land from R-1 (Mixed Single Family) to the R-1X (Mixed Single Family Extra) district, and to develop the land with low density residential dwellings at densities ranging from 9 units/acre to 12 units/acre. The property is located west of TH 63, south of TH 52 and Southtown Heights and north of 36th ST. SW. A General Development Plan is being considered concurrent with this application.

PREPARED BY:
Mitzi A. Baker,
Senior Planner

December 18, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 10, 2003, to consider this petition.

The Commission recommends approval to re-zone approximately 94.14 acres of land from R-1 to R-1X. The motion carried 7-2. Please see the attached minutes for additional details.

Planning Staff Recommendation:

See attached staff report.

Council Action Needed:

The Council should direct the City Attorney to prepare findings of fact reflecting the Council's decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.

Distribution:

1. City Administrator
2. City Attorney: Legal Description attached
3. Planning Department File
4. McGhie & Betts, Inc.
5. Applicant: This item will be considered sometime after 7:00 p.m. on WEDNESDAY January 21, 2004 in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

Motion By:

Seconded By:

Action:

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Minnesota Department of Natural Resources

Division of Ecological Services
261 Highway 15 South
New Ulm, MN 56073



-electronic copy, signed copy will be sent-

1/15/04

Rochester City Council (c/o Mitzi Baker, Planner)
City of Rochester
2122 Campus Drive, Suite 100
Rochester, MN 55904

Dear Rochester City Council:

The Minnesota Department of Natural Resources (DNR) appreciates the opportunity to review the General Development Plan (GDP) for Spring Brook Valley. We apologize for not providing input within the designated comment period. DNR stands by our comment letter sent on 1/5/04 (hereinafter referred to as "previous comments"); however, our response may not have been clearly explained. Please accept this letter as an addendum to our previous comments.

Based on available information, questions were brought forward regarding the wetland delineations on the Spring Brook Valley site. Previous delineation reports associated with sewer line projects and fen evaluations denoted wetland locations on the western portions of the property and as a result of the Spring Brook Valley proposal, wetlands on the eastern portions of the property were delineated in the fall of 2003. DNR has had opportunity to comment on the sewer line applications and during the development of a fen management plan for Barony Woods. The Spring Brook Valley wetland delineation for the area to be developed (eastern portions of the property) was site-reviewed by John Harford (WCA administrator) and Mary Kells (Board of Water and Soil Resources). A DNR representative was unable to attend this site review. The wetland delineation map was finalized after site surveys were completed by the consultant.

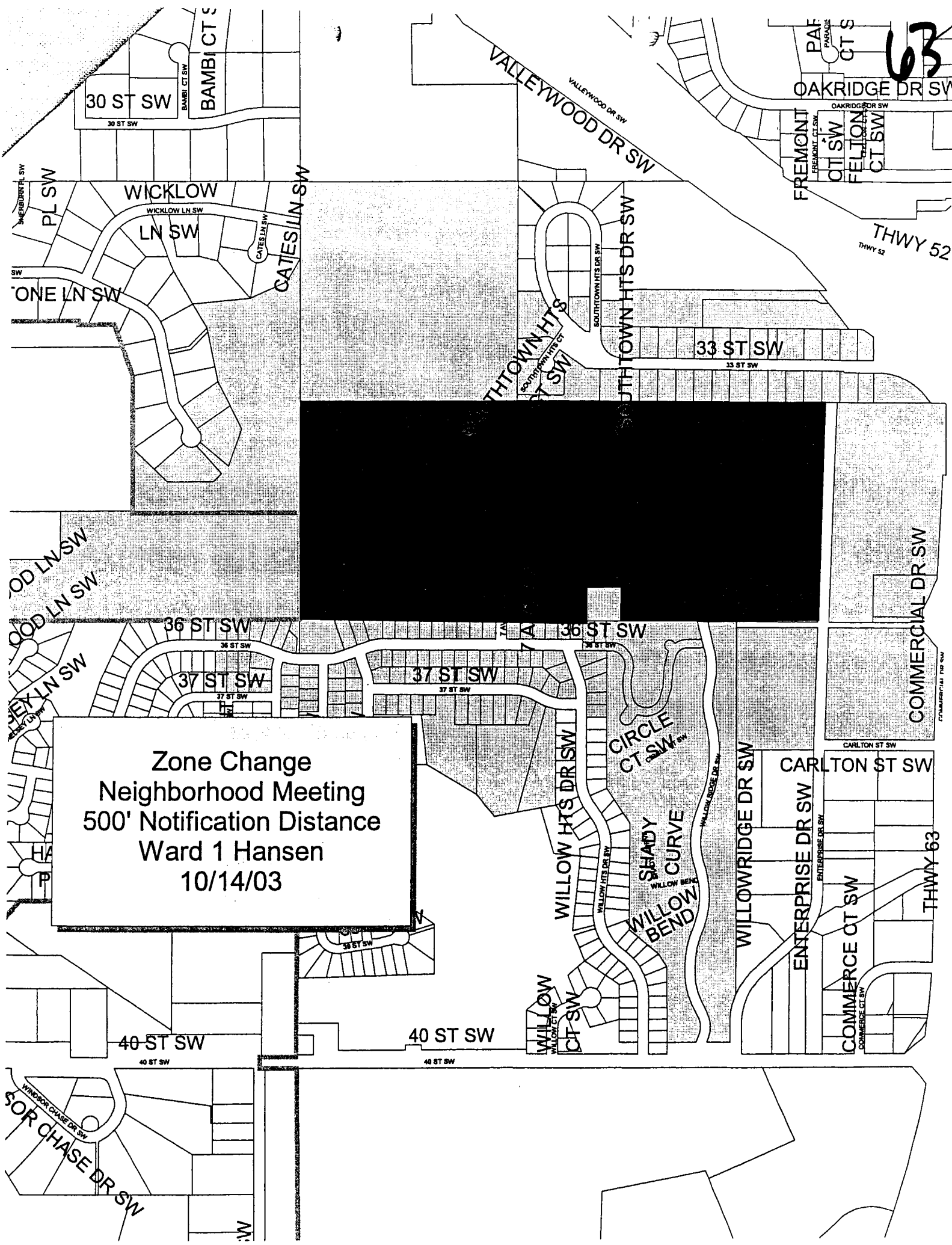
The final delineation map for the Spring Brook Valley project was received by John Harford during the week of January 5th. Following WCA procedures, Mr. Harford sent the wetland report out to the Technical Evaluation Panel members for review. The DNR has now received a copy of the wetland delineation map for the Spring Brook Valley site, but has not had an opportunity to review it. Based on my conversations with John Harford, DNR believes that proper delineations were completed and assume the consultant will continue to work with Mr. Harford through WCA procedures to avoid and minimize wetland impacts. If the DNR has any additional comments about the Spring Brook Valley wetland delineation, we will forward them through appropriate WCA processes.

The DNR expressed concern in our previous comments about the completion of an environmental assessment worksheet (EAW) on the Spring Brook Valley development and other similarly sensitive sites. It remains our concern that small residential projects proposed for sensitive areas may not reach environmental review thresholds under the Minnesota Environmental Policy Act. Based on DNR discussions with Jeff Broberg, the consultant for the Spring Brook Valley development, we are confident that an EAW will be completed on this project. In sensitive areas, DNR requests that no site impacts, including grading and site preparation, be allowed prior to the completion, review, and approval of an EAW.

Long-term protection of the Mutschler Fen is a priority to the DNR. Based on discussions with the consultant and Rochester planning staff, I have initiated an inquiry to determine the potential inclusion of the fen area into the Scientific and Natural Areas (SNA) program. Inclusion in this program is a complex process and many criteria need to be satisfied. As an SNA, the fen would have extended protection. DNR looks forward to working with the consultant and developer on this project. Please feel free to contact me at any time if you have any questions.

Regards,
Shannon J. Fisher, Ph.D.
Environmental Assessment Ecologist
(507) 359-6073; Shannon.fisher@dnr.state.mn.us

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Zoning Exhibit

Tom Hansen Property



Land Surveying
Water-Land Planning
Engineering
Civil Engineering
Mechanical Engineering
Electrical Engineering
Structural Engineering
Foundation Engineering
Soils Engineering
Traffic Engineering
Environmental Engineering
Architectural Engineering
Surveying
Mapping
Photogrammetry
GIS
3D Modeling
3D Animation
3D Rendering
3D Printing
3D Scanning
3D Modeling
3D Animation
3D Rendering
3D Printing
3D Scanning

SOUTHTOWN
HEIGHTS REPL

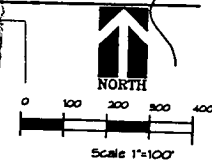
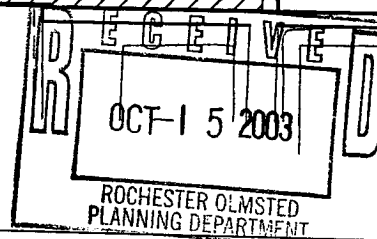
33 ST SW

Zone
R-1 to R-2

Future Frontage Road
For Highway 69

36 ST SW

1 AVE SW



65

66



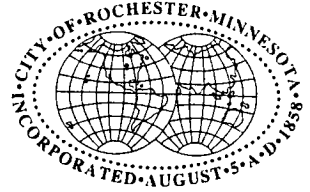
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: December 4, 2003

RE: Zoning District Amendment #03-22, by COPAR Development, proposing to re-zone 94.14 acres of land from R-1 (Mixed Single Family) to the R-2 (Low Density Residential) district, and to develop the land with low density residential dwellings at densities ranging from 9 units/acre to 12 units/acre. The property is located west of TH 63, south of TH 52 and Southtown Heights and north of 36th ST. SW. A General Development Plan is being considered concurrent with this application.

Planning Department Review:

Petitioner: COPAR Development, LLC
406 Main Street
Red Wing, MN 55066

Property Owner: Rochester Properties
1224 W 96th Street
Bloomington, MN 55431

Mills Properties
PO Box 971
Brained, MN 56401

Consultant: McGhie & Betts, Inc.
1648 Third Ave. SE
Rochester, MN 55904

Location of Property: The property is located west of TH 63 S, west of the Fleet Farm store, north of 36th St. SW and east of the Greystone development.

Requested Action: The applicant requests 94.14 acres be rezoned from R-1 (Mixed Single Family) to the R-2 (Low Density Residential) district.

Existing Land Use: The property is currently undeveloped.

Proposed Land Use: The applicant has also a General Development Plan that is being considered concurrent with this application. The proposed GDP identifies the property proposed to be zoned R-2 as being developed with densities ranging from 9 to 12 units/acre.

Adjacent Land Use and Zoning: East and Southeast: B-4 (General Commercial) and M-1 (Mixed Commercial – Industrial) including commercial and industrial uses. There is also undeveloped property to the east currently zoned R-1. This land is approximately 160' by 1,120'.



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South: The property to the south is zoned M-1 and R-2 (Low Density Residential) and R-1 (Mixed Single Family Residential). The portion zoned M-1, approximately adjacent to the easterly 1/3 of the property, is developed as an industrial use. Willow Ridge Manufactured Homes Park is zoned R-2 and the single family homes along 36th St. SW are zoned R-1 (Mixed Single Family).

North: Southtown Heights Subdivision that is zoned R-1 and an undeveloped parcel proposed for future single family development.

West: The property to the west is zoned A-4 (Agricultural-Urban Expansion) in the County. Also the Greystone development is located to the northwest, which is, zoned R-1.

Transportation Access: Primary access to this property will be from the TH 63 west frontage road. Additional access is proposed at Willow Ridge Drive SW. A small portion of the site is proposed to be served by extending a private road north at 7th Ave. SW. The City is also recommending the extension of Enterprise Drive SW into the Site, which is currently not identified on the accompanying General Development Plan.

Wetlands: Hydric Soils and Wetlands exist within this property.

Neighborhood Meeting: A neighborhood meeting was held on October 28, 2003. A summary of the meeting is attached.

Referral Comments: See comments attached to staff report for GDP #219 Spring Brook Valley.

Report Attachments:

1. Location Map
2. Area Zoning Map
3. Neighborhood Meeting Summary
4. See Comments Attached to GDP #219

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter

3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan;
or

- d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Proposed R-2:

The area as presently zoned is not inconsistent with the policies and goals of the Comprehensive Plan and the property was not zoned erroneously due to a technical or administrative error.

The proposed zoning of the property to the R-2 (Low Density Residential) district is consistent with the land use plan designation of the property as "low density residential" and would serve to better further the policies and goals of the Comprehensive Plan and Housing Plan to encourage developing a range of densities and development styles in the Community.

Changes in this area include reconstruction of TH 52 and TH 63. Future removal of the signalized intersection of 36th St. SW and TH 63 and construction of interchanges at TH 63 and 40th St. S and 48th St. S.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

Proposed R-2: Uses within the R-2 Zoning District would generally appropriate on the property and compatible with adjacent properties. At the time of development, bufferyards may be required in accordance with the Ordinance.

A Calcareous Fen has been delineated in the far northwest portion of the Site. Calcareous fens are the result of glacial deposits that permit a constant upwelling of alkaline groundwater rich in calcium and magnesium bicarbonates. Many rare plants are largely restricted to fens, which cover just over 1,000 acres statewide. A Calcareous Fen has been delineated in the northwest portion of the Site. Prior to designing grading plans or further development proposals for this property, the developer will need to study the impact that the proposed development will/could have on the Fen. In particular, the roadway and development area shown in "Area C" on the Plan could have adverse impacts on the groundwater and surface water flows towards the Fen if not designed properly.

This property includes delineated Wetlands that a Calcareous Fen, a stream corridor, moderate and steep slopes, and Decorah Edge recharge areas. Grading plan and site plan design will need to incorporate natural features, protect Wetlands and reflect densities consistent with the Rochester Zoning Ordinance and Land Development Manual (LDM) regulations. Additionally, portions of this site include wooded hillsides. The applicant should be aware that Section 64.340 of the LDM could require re-vegetation or screening of slopes exposed by new development, primarily on the wooded slopes.

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At the time of development, site capacity calculations will need to be completed, which will determine what the developable acreage is after subtracting certain environmental features.

Considering the sensitivity of this site and its natural landscape, and access, permitted densities in the R-1X district are more appropriate on this property, than the permitted densities in the R-2 district. Consider the following:

The R-1X (Mixed Single Family Extra) district accommodates townhome development and permits a density of up to 5.5 units/acre as a Type I (staff review only) use. Densities up to 15.0 units/acre can be proposed in the R-1X district, but some level of public review would be required when over 5.5 units/acre.

The R-2 (Low Density Residential) district permits up to 9.0 units/acre as a Type I (staff review only) use, and up to 21.78 units/acre through a public review or hearing process.

Increases above Type I density are achieved by inclusion of certain design features in the development plan which, by doing so, qualify the applicant to increase density. For example, bonus density can be granted for preservation of moderate and steep slopes, and woodlands and for incorporating natural drainageways into stormwater management.

Densities permitted in the R-2 district may not be appropriate for this property, considering its location, access and topography. Townhome style development is permitted in the R-1X district, at lower densities than allowed in the R-2 district.

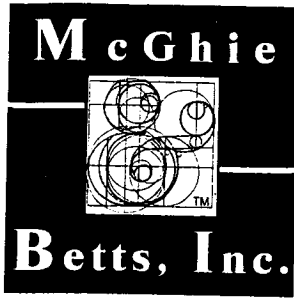
- b) *the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).*

Proposed R-2: *The R-2 would not be considered spot zoning. R-1X also, would not be considered spot zoning.*

Staff Recommendation:

The ability to consider the Zone Change, Land Use Plan Amendment and General Development Plan concurrently allows the City to consider this development proposal as a package. Based upon the accompanying General Development Plan for this site and the findings above, Staff suggests that the request to rezone the petitioned area to R-2 (Low Density Residential) should be denied. Staff also recommends that the petitioned area should be re-zoned R-1X (Mixed Single Family Extra). The R-1X district allows for lower density thresholds for each review Type (Type I, II or III) and provides opportunities for a higher level of review of site plans, which would be appropriate for this complex and sensitive site.

Staff recommends that a decision on the zoning petition not occur until the issues identified in the General Development Plan review and considered.



Rochester
Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

MINUTES FROM THE
NEIGHBORHOOD INFORMATIONAL MEETING
ON OCTOBER 28, 2003
AT THE COUNTRY CLUB INN
Taken by Jeffrey Preuss

In Attendance: See attached list.

Purpose: The purpose of the meeting was to introduce the proposed project to the neighborhood and to answer questions and document concerns or issues that may need further investigation.

General Discussion:

The key speaker was Andy Masterpole from McGhie & Betts, Inc. Tom Hanson from COPAR development was also in attendance. Mr. Masterpole began with a brief introduction about the site. He states that MBI has recently submitted a General Development Plan for approval. The proposal is to rezone the 94-acre parcel from R-1 to R-2. The commercial parcels (B-4) will remain the same. A public hearing at the Planning Commission will be held on November 12th. The City Council meeting will be held on December 1st. The access point will remain the same as stated from prior meetings. Minnesota Department of Transportation will care for a small parcel located in the far northeast corner of the site. The interior circulation will consist of two looping roads and an additional street connection to the south of the site. The southern access point will have an estimated capacity of 500 trips. The main access road will carry 3400 trips. All wetlands on the site are being preserved. An estimated 509 townhomes are proposed to be built on this site.

1. Boards:

- a. Aerial photo will property boundary overlays.
- b. Conceptual zoning and Wetland Preservation Plan.

Questions and Answers:

Q1: What, if any, buffer will be provided to landowners' adjacent to the property?

A1: The required buffer is estimated to be ten feet.

Q2: But the last developer was going to give us fifty feet?

A2: In order to make the project financially feasible, the buffer was reduced.

Q3: Has an EAW been started? Will one be done?

A3: An EAW has been started, although we are unable to turn it in until the proper time.

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946



Q4: What is being done to preserve the Decorah Shale edge?

A4: There are currently no ordinances that require the developer to minimize development within the Decorah Edge. McGhie & Betts is well versed in environmentally friendly developments and plan appropriate engineering solutions that best deal with the extra water. As a result, the developer will absorb the additional cost of development.

Q5: When the city sewer line was being put in, the city workers started a natural spring that continues to erode part of the site. Are the soil types suitable for the intensity of development?

A5: Yes.

Q6: Will there be any neighborhood associations for the development?

A6: There will be 3 to 4 subassociations that work under one unified master association.

Q7: What guarantee do we have that you will not put in low-income housing?

A7: We are projecting that all building are owner occupied structures with selling values that range from \$140,000 to \$200,000. We cannot give you any other guarantees.

Q8: When will construction begin and how will that effect current traffic flow?

A8: Construction will begin as early as April 2004. Coordination between highway expansions and this development is being taken into consideration.

Q9: What are you doing to preserve the quality of life for the wildlife?

A9: Over thirty percent of the site will remain undeveloped. These areas are also adjacent to existing preserved areas. The preserved area may also be added to Minnesota Land Trust at a later date, although this is still subject to discussion.

Q10: Will parking from Section A spill over to the adjacent landowners' street?

A10: No. The city requires that parking considerations be dealt with on their own site.

Q11: How do I know you are going to save trees?

A11: Preserving the natural site amenities will increase the property values and decrease development costs. The developer is willing to work with the adjacent neighbors to preserve a buffer of existing trees.

Q12: What are you doing to curb the additional storm water runoff?



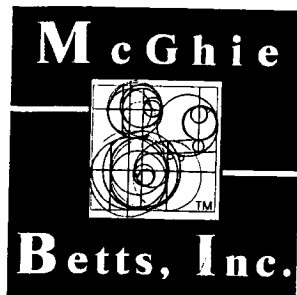
12

A12: We are using a series of smaller retention ponds placed in key points of the development. During construction, environmentally sensitive erosion prevention methods will be in place. (i.e. hay bales, wooden staking, etc).

Q13: Can we see an amended plan within one week?

A13: Yes.

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Rochester
Minnesota

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Rochester, MN 55904

Tel. 507.289.3919

Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946

Attendance Roll

NEIGHBORHOOD INFORMATIONAL MEETING

PROJECT: Spring Brook Valley GDP
Rochester, Minnesota
DATE: October 27, 2003
TIME: 6:30 p.m.
PLACE: Country Inn & Suites
Rochester, Minnesota

NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
1. Josh Ailts	306 33 rd St. SW	767-0165
2. Dan Campion	412 33 St SW	288 8601
3. LARRY SMITH	732 37 th St. SW	288-7958
4. Kathy Smith	732 37 th St. SW	288-7958
5. Alex Leontovich	913 36 th St. SW.	289-2452
6. Brenda Bartel	1031 SW 36 th St	285 9173
7. Bruce Winter	707 36 th St SW	289-2572
8. Craig + Jennifer Mann	715 36 ST S.W.	280 9856
9. Olga Leontovich	913 36 th STREET SW	289-2452
10. John Kehler	600 SW 4 th St	280-0714
11. JEFFREY Preuss	4863 Opal Ln	619-1111
12. Tom Hexorth	1000 Rocky Creek Dr. NE	254 2064
13. Dennis Hanson	Rochester City Council	281-3013
14. [Signature]	505 33 rd St. SW	280-1962

14

	NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
15.	Judy Halverson	727 36 th St. S.W.	507-529-1031
16.	Zach Klaus	504 33 rd St SW	282-9993
17.	Tim Daly	708 Southtown Hgts Ct	280-8577
18.	KAREN Edens	1124 36 th St SW	285-3179
19.	Jim LYNCH	733-36 th St S.W.	2886961
20.	Sharon Flynn	401 33 rd St SW	281-4139
21.	Vine Flynn	401-33 rd St SW	281-4139
22.	Bug Johnson	621 36 th St SW	281-4033
23.	Denis Wegner	612- So. To. Hts. Dr. S.W.	288-4902
24.	Wendy Turri	603 33 rd St SW	285-0955
25.	Mike Quiggle	700 36 th St. SW	529-7950
26.	Mike-Jean Fentz	609 36 th ST. SW	252-5181
27.	DON STALEY	2435 ASPEN LA SW.	254-7777
28.	Doug L Bell	3217 Emerson Ave ⁵⁵⁴⁰⁸ MPIS	612-267-1145
29.	Sandy Sprung	817 36 th St SW	285-0591
30.	Debra Warren-Lore	304 33 rd St SW	289 8348
31.	Lois Friedt	500-33 St. S.W.	252-0361
32.	Kathy Hohnbaum	416 33 rd St. SW	252-9725
33.			
34.			

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X General Development Plan(GDP) #219, to be known as Spring Brook Valley AND Zoning District Amendment #03-22. The applicant, COPAR Development, is proposing to re-zone 94.14 acres of land from R-1 (Mixed Single Family) to the R-2 (Low Density Residential) district, and to develop the land with low density residential dwellings at densities ranging from 9 units/acre to 12 units/acre. The GDP includes a total of approximately 112 acres of land and proposes to develop the eastern 17.16 acres as in the B-4 (General Commercial) district, with the western 94.14 acres developed in the R-2 (Low Density Residential) district. The Plan also identifies public and private roads, stormwater ponds, public parkland and accesses to the TH 63 Frontage Road. The property is located west of TH 63, south of TH 52 and Southtown Heights and north of 36th ST. SW.

Ms. Mitzi A. Baker presented the staff reports, dated December 4, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that she received a call from the applicant today asking to amend their application to request the R-1x zoning district instead of the R-2. However, staff needs this on record since we do not have this on paper. Staff supports approval of the R-1x zoning district, as indicated in the staff report.

Ms. Baker stated the property owners in the area do not have any interest in having Enterprise Drive constructed. However, it is staff's opinion that it should be constructed. The location of where Enterprise Drive is stubbed into the site is where the B-4 and R-1 districts come together.

Ms. Baker stated that there is a 20 foot private street connecting to Willow Ridge Drive. When the general development was originally submitted, the road configuration was different. In response to some concerns related to the volume of traffic that would access Willow Ridge Drive, the road alignments were changed and the 20 foot wide private street was put in with a curvilinear design to discourage the use of the access. Without this second access, the applicant would be limited to 500 trips. She explained that through the development agreement process, additional traffic calming could be required.

Ms. Baker stated that the extension of Enterprise Drive is not shown on the proposed general development plan. Staff recommends that the extension be included in the general development plan. If the Commission and Council agree, the proposed general development should be denied.

Mr. Quinn asked if Enterprise Drive were shown on the general development plan, would it have to be constructed into the property.

Ms. Baker responded that Enterprise Drive would need to be connected into the property.

Ms. Wiesner asked if the private roadway should be built wider.

Ms. Baker responded that Willow Ridge Drive has a limited capacity. It is operating at approximately 1400 trips. It can handle up to 2000 trips. With the 20 foot private roadway, it will add approximately 544 additional trips. If the roadway is made more convenient, the concern is that the trips would then exceed the capacity of Willow Ridge Drive.

Ms. Wiesner asked if Ms. Baker's comments would be different if the development was approved as R-1x zoning instead of the R-2 zoning district.

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Ms. Baker responded no. The densities on the plan can be done in an R-1x zoning. It would only require a higher level of review. Even though the densities are shown on the plan, they are subject to meeting future reviews, site capacity calculations, etc.

Mr. Haeussinger asked if access off of 36th Street SW wouldn't be a better access alternative.

Ms. Baker responded that there is concern of too much traffic on 36th Street SW. She explained that the concern is between 40th Street SW and Enterprise Drive SW.

Ms. Rivas asked why it was not mentioned in the Public Works comments about the calcareous fen.

Ms. Baker stated that Public Works wouldn't respond to the calcareous fen issue, since they do not have jurisdiction over it. She indicated that she received her information from some wetland experts that it is important to look primarily at grading and development and how it could impact it. She stated that the Public Works staff wouldn't have the level of expertise that they would be aware of it.

Ms. Rivas expressed concern that no one at Public Works would be concerned about water quality.

Ms. Baker stated that calcareous fens are different from Decorah Edge. Decorah Edge issues related to water quality or construction design issues that they need to take into consideration are separate. There have been discussions with the Public Works staff and planning staff regarding the Decorah Shale areas. With regard to water quality, Public Works is working on stormwater management plans and stormwater issues relating to water quality in the community. RPU may be more involved in water quality protection from a drinking water standpoint.

Mr. Burke stated that the 500 trip was indicated as the threshold. He stated that he thought 1200 was the threshold.

Ms. Baker explained that, if a development plan provides for a second access, they can build up to 1200 trips before another access has to be constructed. If the development only shows one access, it would be limited to 500 trips.

Ms. Kristi Clarke, of McGhie and Betts, Inc., addressed the Commission. She stated that the applicant would like to formally request a change from the previously requested R-2 zoning district to the R-1x for the 94.14 acres. By requesting the R-1x zoning district, they would be subject to a higher level of review for the densities shown on the plan.

Ms. Clarke stated that they show 36.36 acres of preserved open space. This represents over 30 percent of the site as undevelopable. She stated that development would be 110 feet away from the calcareous fen (which is a grading limit line). She showed the wetland areas that would be preserved.

Ms. Clarke stated that there would be one 66 foot wide frontage loop road and one 50 foot wide right-of-way, and two private streets. Muhammad Khan and Charlie Reiter, of the Transportation Division of the Rochester-Olmsted Planning Department, have been working with them for over 5 months on the project. The density will be going down as well as the average daily trips by rezoning to the R-1x. The commercial land use will remain the same so

that the average daily trips will remain the same. Mills Fleet Farm and Stone Concepts have indicated that the applicant is not at liberty to use the access. They plan to petition to vacate it within the next month. There is a purchase agreement between them and the applicant stating that they will not use the access. The access does not make sense because it is an incredibly steep area. It would take retaining walls and guard rails. Connecting to 37th Street is not viable since the slope between 37th street and any connection at any spot on the site is over 27 percent grade.

Ms. Clarke stated that Muhammad Khan came up with two alternatives in his analysis: 1) Enterprise Drive and 2) Traffic calming on the extension of Willow Ridge Drive. The applicant supports the second alternative and has been assured by the Transportation Division that they will be within the allowed traffic on the roadway.

Mr. Jeff Broberg, of McGhie & Betts Environmental Services, addressed the Commission. He indicated that he is a licensed professional geologist. He stated that they have been involved in this property since 1999. There are developed properties on all sides of the property, which makes it infill. He understands that individuals that live around the site do not want to give up the open space that has been there in the past.

Mr. Broberg stated that Enterprise Drive would be a 4 lane road that connected ultimately to the frontage road through Greystone to 18th Avenue. McGhie and Betts were asked to do an evaluation of the site for the purposes to run the sewer to the Greystone area and to look at the feasibility of the approach after the project had suffered some reactions from the City because of the style of development that was occurring in the infill area. It is a difficult piece of terrain and is down gradient of everyone.

Mr. Broberg showed and explained all the different wetlands located on the site. He also showed a geologic map based on 20 deep borings and dozens of hand borings. He explained that water cannot penetrate through the layers to the Decorah Edge.

Mr. Broberg stated that a determination was made by the Department of Natural Resources that a wetland on the site has the characteristics of calcareous fen one year ago. By not disturbing that area, it will not affect the calcareous fen.

Ms. Petersson asked if footings would disturb the wetland area.

Mr. Broberg responded no.

Ms. Wiesner asked if they could get another roadway out to the frontage road.

Mr. Broberg stated that Enterprise Drive wouldn't work. There would be two entrances 200 feet away going to the same frontage which wouldn't make sense.

Ms. Wiesner stated that, if a second access is not constructed, the applicant would not be able to develop the property fully.

Mr. Broberg stated that they do not have an area for a second access. They are not allowed to go to Enterprise Drive.

Ms. Baker stated that the development technically has two accesses shown. The primary access would be to the frontage road and the second access would be to Willow Ridge Drive.

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Ms. Wiesner asked if both accesses would be enough.

Ms. Baker responded that the City Public Works Department has indicated that the extension of Enterprise Drive should be made for better circulation. However, it is not critical to making the development work.

Ms. Wiesner asked if it was legal to use a purchase agreement to state that they cannot use Enterprise Drive.

Ms. Baker stated it is her understanding, from the purchase agreement, that they are precluded from showing the access. Primarily because, if they show it, it will prompt the need for constructing it. This would prompt the need to construct the part that has been platted but people do not want built. By using the agreement, it prevents the need for the construction of the right-of-way.

Mr. Broberg stated she was correct.

Mr. Broberg stated that there is no City ordinance with regard to Decorah Edge. However, they are avoiding the Decorah Edge areas. They have been meeting or exceeding the level of investigation that is proposed in the County Ordinance.

Ms. Rivas asked if the applicant proposes to apply for a substantial land alteration at some point.

Mr. Broberg responded yes. He showed the areas that would need an SLA.

Mr. Tom Hansen, of COPAR Development, addressed the Commission. He stated that the purchase agreement did specifically exclude their ability to show Enterprise Drive on the general development plan. He explained that the adjoining property owners planned to petition for vacation. He stated that he understands that petitioning for the R-1x zoning district would include additional reviews. He stated that he realizes that he did not do a good job getting back to residents trying to contact him. He indicated that he was more involved in issues around the acquisition of the site. By having additional reviews, it should help alleviate some of the resident's concerns.

Mr. Hansen stated that the two access points shown on the proposed general development plan should accommodate the trips per day for the development.

Ms. Sabrina Ceric, of 3163 Avalon Cove Court NW, Rochester MN, addressed the Commission. She stated that she is not a neighbor, but an 8th grader at John Adams middle school and a participant in a group of four students researching the current community concern of Decorah Edge. She expressed concern with the possible workable solutions to the management of the Decorah Edge in the Rochester area. She stated that several studies have shown that Decorah Edge Shale decreases nitrate levels, which decreases the harmful effects with which young infants may be impacted. Considering the studies and that an approximate 50 percent of Rochester's water runs over the Decorah Edge Shale and is at risk of pollution, they ask if a limitation shouldn't be in place for constructing housing on these areas.

Mr. Alexey Leontovich, of 913 36th Street SW, Rochester MN, addressed the Commission. He indicated that he had background in biology and does biomedical research at the Mayo Clinic.

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He stated that he was present on behalf of neighbors from 36th and 33rd Street SW. He stated that the development is not very well thought through. He expressed concerns with the following:

- poor blending of neighborhoods
- larger lot homes against high density town homes
- small buffers
- plans that do not show what the impact will be
- highly sensitive area which will be difficult to develop without significant damage to the environment, groundwater, and highly compromised home sites
- majority of site is located on the Decorah Edge
- traffic concerns with access
- developer's avoidance with talking with neighbors

Mr. Leontovich stated that he is not against the development of the land, but consideration of the sensitive nature of the land should be taken into consideration.

Ms. Wendy Turri, of 604 33rd Street SW, Rochester MN, addressed the Commission. She indicated that she has worked for the Pollution Control Agency, but is present as a homeowner. She has 21 years in working in the environmental field and a degree in chemistry. Her area of expertise is water. She stated that she has seen some gamma logs as a result of closing wells in the neighborhood. As you go down the hill, it gets shallower. She showed pictures of a spring that runs all summer since the city put in sewer and water. There was a spring located at the lot adjacent to where she lives for at least 17 years. However, the owner of the lot put in fill. Also on the lot, they tried to build a house years ago and it didn't work. She showed pictures of streams, seeps, and gully erosion problems.

Mr. Quinn asked if the areas she indicated were outside the area Mr. Broberg showed as sensitive areas.

Ms. Turri responded the wetland she showed was not shown by Mr. Broberg.

Mr. Zachary Klaus, of 504 33rd Street SW, Rochester MN, addressed the Commission. He indicated that he has lived in the neighborhood since 1960. He showed a seep that was the result of the sewer line constructed. He showed a wetland that was located outside of where Mr. Broberg showed as a wetland. He explained that the site has highly erodible soils and receives groundwater runoff from the Greystone development.

Ms. Turri stated that many homes that have been built on the Decorah Edge have had water problems. She described the costs in basement repairs and the hardship in trying to sell the home.

Ms. Turri stated that there is one treatment plant (Caledonia) in the state that has the ability to remove nitrates from water.

Ms. Turri stated that Terry Lee indicated that this is one of the most important remaining sites in the City of Rochester. The comments received stated that it may impact the groundwater supply and the City's recharge. They encourage the developer to learn more about Decorah Edge to minimize the loss of natural filtration.



Ms. Turri pointed out several areas on the site that are highly erodible.

Ms. Turri questioned why Rochester Public Utilities didn't comment on the development. They stated that they are looking at redoing their recharge zones.

Ms. Turri stated that there are many features showing that there are more Decorah Edge areas on the site than Mr. Broberg is indicating. Therefore, more research should be done.

Ms. Turri expressed concern about losing mature oaks and loss of nitrogen uptake.

Mr. Bruce Winter, of 707 36th Street SW, Rochester MN, addressed the Commission. He indicated that he has lived in the neighborhood for 15 years. He expressed concern that, over the next two years, the development on 40th Street SW will change the flow of traffic patterns, add congestion, etc. He expressed concern with the accuracy of the estimated new daily trips, road capacities, levels of service at intersections, long range traffic planning, private road care and maintenance by various neighborhood associations, congestion at the intersection of Highway 63 and 40th Street SW, Willow Ridge Drive extension into the development, off-street parking, reduced safety caused by increased traffic, noise, and what is actually known about COPAR Development and their expertise. He expressed the following concerns about the developer:

- they were only incorporated since June 2002
- they do not have any previous history of development in Rochester
- no public records found of development activity prior to December 2002
- little history of development in previous communities
- they have four active developments listed on their website
- there is no knowledge if they have completed any developments
- not sure if they have any experience in developing in environmentally sensitive areas

Mr. Alexey Leontovich, of 913 36th Street SW, Rochester MN, addressed the Commission. He asked that the Commission leave the property zoned R-1, deny rezoning until an ordinance is developed for these sensitive areas, make them have significant buffers, and ask that they have a more detailed general development plan.

Dr. Herschel Carpenter addressed the Commission. She expressed concern with doing any construction on these sensitive areas until Decorah Edge is understood completely.

Mr. Tom Hexum (1000 Rocky Creek Drive NE, Rochester MN), representing Mills Properties and Stone Concepts, addressed the Commission. He stated that they plan to vacate Enterprise Drive because it is not viable (engineering wise) to extend it. Mr. Bruce Oakland does not want to pay for it since it adds nothing to his property.

Mr. Hexum stated that Carl Shuler's Industrial Park will also use the frontage road up to the 40th Street SW diamond. There are four access points counted on the frontage road. Only the City wants Enterprise Drive and Carlton Drive extended. When Enterprise Drive is cut off from adjoining onto 40th Street SW, it will go nowhere.

Mr. Hexum stated that there is a Transportation Improvement District in Rochester to put money on building two times the amount of road necessary to extend an engineering scenario behind Fleet Farm. The property is designed in the Willow Creek Transportation Improvement District

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to be a contributor to the 40th Street SW diamond and frontage road system. The proposals in front of the Council right now are based on traffic counts.

Mr. Zachary Klaus, of 504 33rd Street SW, Rochester MN, addressed the Commission. When he first moved into his home, there was an issue in Willow Ridge mobile home park regarding the installation. Promises were made but fell through. For example, a water tower was to be paid by the City. However, the residents ended up paying for it. He stated that the reason the applicant is requesting the zone change is to maximize their profits at the expense of the existing neighborhoods. He expressed concern with the proposed density.

Mr. Klaus indicated that the developer told him that it would be difficult to put a buffer in because he would be building within 25 feet of the lot lines. Mr. Hexum indicated that the residents should put a buffer up on their own property. He stated that they have a power line, cable, and telephone lines located there. Therefore, there is no room for a buffer on their own property. He also expressed concern with looking at one large building from his back yard.

Ms. Wiesner stated that they are not looking at house styles at this meeting.

Mr. Klaus questioned how they would get their density per acre and not look at a solid wall of a building.

Mr. Klaus stated that he collects antique tractors and wanted to put a large garage in the back of his yard. He was not allowed to because it didn't fit the residential area. A neighbor down the street asked for a variance to build a large garage so that he could locate a business there. He went before a Board to ask for the variance. All the neighbors stated that they were in favor of it and the Board took the input. He stated that the neighbors present at the meeting are not in favor of the proposed general development plan. They do not support the high density. He stated that he thinks Mr. Broberg is underplaying some of the conditions on the site.

Mr. Klaus stated that the water and sewer lines would go through the Decorah Edge, even though they do not plan on putting in basements.

Mr. Klaus stated that, if the development is approved, the neighbors of 36th Street SW, 33rd Street SW, and Southtown Heights will live with the impact of this development.

Mr. Jeff Broberg, of McGhie & Betts Environmental Services, addressed the Commission. He made the following presentation verbatim:

I think there are a number of inaccuracies that need to be corrected. I am concerned that the opponents predictably have peppered the public record with issues that aren't specifically related to this site. They showed erosion potential at Manorwoods, some of the most highly erodible soils in the County that aren't the same soil types that are here. I am particularly grieved that we have students that are under the misrepresentation of poorly collected and poorly designed data. The nitrogen reduction that is hypothesized about this is not proven. It's a study that they only show the results, Mr. Lee, only shows the results that suit his conclusion. He has other data that does not show nitrogen reductions. The knowledge that exists about those systems is that those wetlands cycle nitrogen. That if you test in August you have nitrogen uptake in the plants, if you test in December you have the release. It is an incompletely understood system. This gets to the point of why RPU is taking a slow approach to this. We don't have all of the answers related to this and so the hand that we are dealt is to identify those areas that have the



highest risk and avoid them. We have done that in this plan. We have identified the areas, the geologically sensitive areas, and we have proposed the avoidance of those for construction reasons and groundwater protection reasons. And to suggest otherwise, is a detriment to the community. I mean we need to encourage developers to come in and do the type of investigation that identifies where these issues exist so that we can do the avoidance. So, I would be happy to answer any questions but I would like to ask all of you to become more familiar with this Decorah Edge issue. You need to talk to the experts that are with the United States Geological Service, the Minnesota Geological Survey, and those people doing the investigations. This community has not invited those people to participate in this discussion. We have a one man band making a promotion of an issue that needs to be better understood. We have essentially provided Mr. Lee, the County water planner, with practically everything he knows about this. McGhie and Betts, our firm, has done that through this sort of site investigation.

Mr. Quinn asked Mr. Broberg to comment on the slides and situation at the edge of the property on the north. This area is outside of any listed protected area.

Mr. Broberg stated that he is familiar with the spring and know that there are deep soils in the area where the road crosses the Decorah Edge. It escapes into the permeable soils in the subsurface in that area. The things he has heard that have occurred in that development are regrettable (illegal wetland filling and lack of attention to the details as they cut sewers). He stated that those are things they know better than to do on this development. It is a public responsibility to support the people who are doing the work to understand the issues. They have approximately 5 acres in the area where they are crossing onto the Decorah Edge terrace. They have relatively thick soils. The other slides that were shown are in the stream. They are protecting the stream corridor. They know where the seeps are. He showed where the dry Decorah slope was located. The details of the plan will come after they have a general development plan approved. They need to have a sense of where the roads will be located so they can avoid the problems and engineer the solutions that are appropriate. Groundwater protection is an important community aspect.

Ms. Petersson asked if it wouldn't be as developable in the R-1 zoning district.

Mr. Broberg responded that it was developable in the R-1 zoning district. It is a fairness notion in some regard. He indicated that the areas they are preserving are areas that are developable. He asked for recognition, if they are preserving 30 percent of the site as sensitive, can't they have a higher density sensitive development in the areas that are suitable.

Mr. Burke stated that City did some damage when they ran utilities to Southtown Heights. He asked if the developer plans to resolve some of those problems.

Mr. Broberg stated that he was not sure if they could correct them. There are techniques to protect their development.

Ms. Kristi Clarke, of McGhie and Betts, addressed the Commission. She stated that they have done some studies in that area because they have been asked to connect the sewer from what was Greystone (Barony Woods). The seep is significant and they will show at least a 30 to 50 foot drainage. She concluded that they agree with the staff-recommended conditions, excluding the connection with Enterprise Drive.

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Ms. Clarke stated that they have completed over 3 years of environmental analysis with over 100 test pits. Most of the slides presented happened in an area that they are not proposing to develop on. They can only get 5.5 units per acre in the R-1x zoning district if they do not want to have additional review by the Commission. This would be 1.5 units over single family. Each area will most likely develop between 5.5 and 8. Therefore, the Commission will have the opportunity to review the specific buildings, styles of housing, grading, seepage and environmental issues of each of the areas.

Ms. Jennifer Mann, of 715 36th Street SW, Rochester MN, addressed the Commission. If the R-1x zoning district were approved, there would be a lot of conditions that could change. She asked that the Commission to review pages 138-141 of the Zoning Ordinance. Next Tuesday, December 16, 2003, there is a County Board meeting that they will be asked to initiate land development control changes as a means of preserving the groundwater recharge and pollution buffer processes that occur at the terminal edge of the Decorah Shale. Measures being suggested include adopting an overlay zoning district, requiring on-site investigation of groundwater flows within an overlay zone, and requiring development that minimizes impacts to the groundwater recharge processes. This could be a turning point for the City of Rochester and Olmsted County. Therefore, the Commission should hold off on rezoning the property until this is reviewed by the City and County. The DNR has not been included in the City and County for input, as indicated by Don Nelson from the DNR. In Minnesota, a project developer is responsible for hiring a consultant to delineate "qualifying measure areas that are identified as wetlands." This creates a big conflict of interest resulting in the delineation of the wetlands to be of smaller acreage and lower quality than what would be identified by an unbiased consultant. The consultant may or may not use standard procedures because there are no government program certification or licensing active in the state.

Mr. Wheeler explained that the DNR receives a referral on every application that comes through our department. They also serve on the Technical Evaluation Panel that addresses wetlands. Also, they have been involved in reviewing the County versions of the Decorah Edge draft ordinances.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson stated that she could not support the development knowing that the County Board would be looking into Decorah Edge next week.

Mr. Wheeler stated that the County Board has not initiated the amendment yet. He indicated that he thought they would in February. He explained that there is a difference in the concerns by the City and the County. Because the average density of development in a suburban development has to be 3 acres per lot, the precision with which they identify potential impacts on development value goes down considerably. The Commission has an obligation to review the application under the City ordinances now in effect.

Mr. Quinn asked Mr. Wheeler to comment on Enterprise Drive.

Mr. Wheeler responded that he did not know the circumstances of the extension of Enterprise Drive.

Ms. Baker stated that she had discussion with Rochester Public Works on the extension of Enterprise Drive. They are standing firm on their recommendation. To some degree, it appears as though the development can work without it.

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Ms. Petersson stated that she could not support the development because Enterprise Drive is not shown on the general development plan and she is concerned about the groundwater.

Ms. Rivas stated that they had a good example in the last request of a developer working with the community. She stated that she would like the applicant to work with community and get more details on whether there is a need for Enterprise Drive or not. Also, she would like information on the location of houses and where the soil borings were.

Mr. Burke stated that, in order for the applicant to make the densities work, they are having to work with a smaller area. They are attempting to avoid the sensitive areas. He indicated that he did not think they could accomplish this through the R-1 zoning district. The advantage with the R-1x zoning district is that they would have to come before the Commission again. If the property is left in the R-1 zoning district, they might have to expand out into the sensitive areas to make it work for them.

Ms. Petersson stated that an option would be to recommend a moratorium on building in the Decorah Edge areas until more is known.

Mr. Staver stated that it would not be appropriate to create a moratorium while the developer is going through the process. He indicated that the property is unique and has many challenges he is not comfortable with.

Mr. Haeussinger stated that the Commission would not have straight forward answers for quite some time. He stated that conservation zones should be considered.

Ms. Petersson moved to recommend denial of General Development Plan (GDP) #219, to be known as Spring Brook Valley as it does not show the extension of Enterprise Drive.

Mr. Staver stated that most of the Commission's discussion has focuses on Criteria F regarding drainage, erosion, and construction.

Ms. Petersson agreed with Mr. Staver with regard to his recommended finding.

Mr. Haeussinger seconded the motion. The motion failed 4-5 with Mr. Burke, Mr. Ohly, Ms. Wiesner, Mr. Quinn, and Mr. Dockter voting nay.

Mr. Quinn moved to recommend approval of General Development Plan(GDP) #219, to be known as Spring Brook Valley with the staff-recommended conditions and findings (without the extension of Enterprise Drive). Mr. Burke seconded the motion. The motion carried 5-4, Ms. Petersson, Mr. Staver, Mr. Haeussinger, and Ms. Rivas voting nay.

CONDITIONS:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the Cit that outlines the obligations of the developer/owner relating to, but not limited to Ownership & Maintenance of the Wetland Areas, TID/Substandard Street Reconstruction charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public utilities.

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2. A regional stormwater management facility will be required within this GDP site. The concept of several small detention ponds along the wetland/stream may be permitted as an aesthetic feature, but may not fulfill the Owner's obligations for providing Stormwater Management.
3. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development, and along the entire frontage of the GDP abutting the west frontage road. Mid block connections must be provided as required by Ordinance. The developer/owner shall also provide pedestrian facilities between the northern extent of Willow Ridge Drive through Spring Brook Valley to the public road system within the development. In addition, a pedestrian trail shall be extended at the Owner's expense through the sanitary sewer corridor to the west property line. Specific obligations will be addressed in the Development Agreement.
4. Prior to designing grading plans or further development proposals for this property, the developer will need to study the impact that the proposed development will/could have on the Fen. In particular, the roadway and development area shown in "Area C" on the Plan could have adverse impacts on the groundwater and surface water flows towards the Fen. Prior to approval of any land disturbing activities in the areas adjacent to the Fen (i.e. Area C), the applicant shall coordinate with the Planning Department and MN DNR to verify that development activities will have no adverse impacts on the Fen in the near future or long term.
5. A revised GDP shall be filed with the Planning Department identifying all delineated Wetlands on the property.
6. Approval is Contingent upon negative findings for an EAW and completion of a study of groundwater and surface water flow of the site. Any Modifications to the Plan to mitigate or avoid adverse environmental impacts identified through the EAW process, or through further assessment of the Site's hydrology will need to be reflected in a revised GDP.
7. Staff reviewed this application with a two way private roadway proposed as a connection to Willow Ridge Drive, as requested by the applicant. If this connection is approved as a private two way road, the Owner will be required through the Development Agreement process to dedicate public access rights over the private roadway to allow traffic flow between the proposed and existing development.
8. At the time of development, water main extension and hosing of systems must be completed per the requirements of RPU Water.
9. Parkland dedication requirements shall be met via dedication of the 3.5 acre public park shown on the Revised Plan dated November 14, 2003. The balance of dedication (total approx. 7.0 acres), shall be in the form of cash in lieu of land or negotiated street construction costs for the park site frontage.

Mr. Quinn moved to recommend approval of Zoning District Amendment #03-22 (to the R-1x zoning district) with the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 7-2, with Ms. Petersson and Mr. Staver voting nay.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-21-04

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AGENDA SECTION: CONTINUED - PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: General Development Plan(GDP) #219, to be known as Spring Brook Valley. The GDP includes a total of approximately 112 acres of land and proposes to develop the eastern 17.16 acres in the B-4 (General Commercial) district, with the western 94.14 acres developed in the R-1x (Mixed Single Family Extra) district. The Plan also identifies public and private roads, stormwater ponds, public parkland and accesses to the TH 63 Frontage Road. The property is located west of TH 63, south of TH 52 and Southtown Heights and north of 36 th ST. SW		PREPARED BY: Mitzi A. Baker, Senior Planner

December 18, 2003

NOTE: SEE CPZC minutes from previous ZC hearing.

This application was previously continued in response to a letter submitted by the Mn DNR. Since January 5, 2004, McGhie & Betts, Planning and the DNR met and discussed the referral process and timing of agency comments. There was additional discussion specific to the Spring Brook Valley GDP, the delineated Calcareous Fen and future management of the Fen. Attached is a letter from DNR staff, which is an addendum to the letter previously submitted.

Please note: The original recommendation for denial was based on concerns about Enterprise Drive SW. With those concerns resolved, the staff now recommends approval with the modification to condition 4, below.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 14, 2003, to consider this petition.

Please see the attached minutes for details related to the public hearing and Commission recommendation. The Planning Commission recommended approval of this GDP 5-4, subject to the following conditions/modifications:

1. *Pedestrian facilities should also be provided between the northern extend to Willow Ridge Rive and the new public roadway within Spring Brook.*
2. *Prior to designing grading plans or further development proposals for this property, the developer will need to study the impact that the proposed development will/could have on the Fen. In particular, the roadway and development area shown in "Area C" on the Plan could have adverse impacts on the groundwater and surface water flows towards the Fen. Overall, groundwater flows in this area need to be studied to understand potential impacts of development and ensure the long-term viability of this Fen.*
3. *Development will need to be phased to limit the number of trips to <1,200 prior to construction of a second access. Phasing shall be such that access to Willow Ridge Drive SW occurs when the development will exceed the 1,200 trip threshold and not before based on plats or Plan approval.*

Continued on next page

COUNCIL ACTION:

Motion By:

Seconded By:

Action:



4. *Approval is contingent upon negative findings for an EAW and completion of a study of groundwater and surface water flow of the site. Any modifications to the Plan necessary to mitigate or avoid adverse environmental impacts identified through the EAW process or further environmental assessment of the Site will require an amendment to this GDP.*
5. *Development densities shown on the Plan are subject to completion of Site Capacity Calculations and compliance with adopted regulations.*

Council Action Needed:

If the Council wishes to proceed with this application, the Council should instruct the City Attorney to prepare a resolution, with findings, for Council approval.

Planning Staff Recommendation:

See attached staff report.

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. McGhie & Betts, Inc.
5. Applicant: This item will be considered sometime after 7:00 p.m. on WEDNESDAY January 21, 2004, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

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ROCHESTER – OLMSTED PLANNING DEPARTMENT
2122 CAMPUS DRIVE SE, SUITE 100, ROCHESTER, MN, 55904-4744
PH: (507) 285-8232 FAX: (507) 287-2275

To: Rochester Mayor and Common Council
From: Phil Wheeler, AICP, Planning Director
Date: January 16, 2004
Re: Spring Brook Valley GDP

This memo addresses four matters related to the Spring Brook Valley GDP, including the DNR's response, the Decorah Edge issue, the density of development, and the Enterprise Drive connection.

DNR: The DNR has submitted an addendum to its earlier letter which removes some of their concerns about this GDP. The suggested requirement for an EAW is consistent with state requirements and with our staff recommendation. The wetland issues are already being addressed. Acquisition by the DNR of the Mutchler Calcareous Fen and adjacent areas as a Scientific and Natural Area would provide a tremendous educational and natural area benefit to the neighborhood and community, while resolving in the best possible way the question of long term management and protection of the fen. We wholeheartedly endorse that proposal.

We have also met with the DNR and the applicant's representative and have reached agreement on improvements to the referral process that we hope will avoid the issue of last-minute referrals on development applications.

Decorah Edge: The Council has asked for further explanation of our recommendations with regard to the Decorah Edge issue as it affects this site. Our recommendations are based on the ordinances now in place. This application goes beyond the minimum requirements now in place and addresses Decorah Edge concerns in a manner that parallels the requirements now being considered as part of a recommendation to the County Board to initiate an amendment to the County zoning ordinance. In general, the County ordinance draft addresses Decorah Edge concerns in three ways:

1. by allowing cluster development where the Decorah Edge area is avoided to a significant extent, provided wetlands and wooded areas are maintained chiefly in common open space;
2. by allowing conventional development where a detailed site investigation reveals that parts of the Decorah Edge area should not be considered "sensitive" and can safely be developed conventionally; and
3. by allowing cluster development at a higher density where a detailed site investigation identifies sensitive areas that are avoided and where more extensive preservation of wetlands and woodland areas is provided for.

In general, the Decorah Edge research appears to show that the areas underlain by the Decorah Shale are not uniformly sensitive to disturbance and do not universally experience high levels of groundwater flow. In the draft County ordinance, the identification of sensitive areas within the Decorah Edge is based in part on identifying springs, seeps, wetlands, hydric soils, and areas of groundwater close to the surface, as well as the areas upgradient and downgradient from those features. These features are concentrated where heavier groundwater flows occur. Other parts of the Decorah



01/16/04

Edge (the draft County ordinance requires these to be identified through detailed site investigation, including a very detailed soil survey and hydraulic modeling) would not be considered to be sensitive to disturbance or to require avoidance.

The Spring Brook Valley GDP appears to follow a similar approach in that the applicant has conducted a detailed site investigation (not including hydraulic modeling as far as we know, but including a high density of soil borings) and has proposed a clustered development. The springs, seeps, wetlands, and hydric soils are concentrated at the west end of the property and along the drainageway. The GDP proposes to avoid disturbing these areas and provides extensive buffers around the fens, wetlands, and drainageway. It concentrates the dwelling units on the balance of the site, in less sensitive areas of the Decorah Shale portion of the site (where there are shallower slopes and deeper soils) and in parts of the site that are not underlain by the Decorah Shale. The conditions recommended by the staff (requiring an EAW and an assessment of groundwater flow movements, with an amended GDP if further assessment indicates) are similar to required steps in the draft County ordinance.

Density: Our recommendation to reduce the zoning classification from R-2 to R-1x (which the applicant has agreed to) is based on the sensitivity of the site and the desirability of a higher level of review for townhouse densities exceeding 5.5 units per acre. This has the added benefit of adding another opportunity for neighbors concerned about the impact of higher densities abutting their properties to review detailed plans for any proposed densities over that level. Because the site will have to meet the site capacity requirements of the Land Development Manual, it is possible that the densities indicated on the General Development Plan will not actually be achieved in site planning.

Enterprise Drive SW: The major unresolved question with regard to the GDP was the question of providing secondary access via Enterprise Drive SW. After meeting with property owners to the south along Enterprise Drive, Public Works has revised its referral comments as follows:

GDP Condition #8 - Public Works, after further review of traffic impacts of this proposed GDP and the use identified therein, has determined that Enterprise Drive need not be connected to the interior public and private street system proposed as part of the development. In the event the property changes such that the density increases, number of units increases or a more intense (commercial) use is proposed Enterprise Drive could be extended through this development and serve as an additional access. It is important that Enterprise Drive be retained for future land use decisions.

This resolves the matter in the opinion of the Planning Department and removes our objection to the GDP.

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Minnesota Department of Natural Resources

Division of Ecological Services

261 Highway 15 South

New Ulm, MN 56073

-electronic copy, signed copy will be sent-

1/15/04

Rochester City Council (c/o Mitzi Baker, Planner)
City of Rochester
2122 Campus Drive, Suite 100
Rochester, MN 55904

Dear Rochester City Council:

The Minnesota Department of Natural Resources (DNR) appreciates the opportunity to review the General Development Plan (GDP) for Spring Brook Valley. We apologize for not providing input within the designated comment period. DNR stands by our comment letter sent on 1/5/04 (hereinafter referred to as "previous comments"); however, our response may not have been clearly explained. Please accept this letter as an addendum to our previous comments.

Based on available information, questions were brought forward regarding the wetland delineations on the Spring Brook Valley site. Previous delineation reports associated with sewer line projects and fen evaluations denoted wetland locations on the western portions of the property and as a result of the Spring Brook Valley proposal, wetlands on the eastern portions of the property were delineated in the fall of 2003. DNR has had opportunity to comment on the sewer line applications and during the development of a fen management plan for Barony Woods. The Spring Brook Valley wetland delineation for the area to be developed (eastern portions of the property) was site-reviewed by John Harford (WCA administrator) and Mary Kells (Board of Water and Soil Resources). A DNR representative was unable to attend this site review. The wetland delineation map was finalized after site surveys were completed by the consultant.

The final delineation map for the Spring Brook Valley project was received by John Harford during the week of January 5th. Following WCA procedures, Mr. Harford sent the wetland report out to the Technical Evaluation Panel members for review. The DNR has now received a copy of the wetland delineation map for the Spring Brook Valley site, but has not had an opportunity to review it. Based on my conversations with John Harford, DNR believes that proper delineations were completed and assume the consultant will continue to work with Mr. Harford through WCA procedures to avoid and minimize wetland impacts. If the DNR has any additional comments about the Spring Brook Valley wetland delineation, we will forward them through appropriate WCA processes.

The DNR expressed concern in our previous comments about the completion of an environmental assessment worksheet (EAW) on the Spring Brook Valley development and other similarly sensitive sites. It remains our concern that small residential projects proposed for sensitive areas may not reach environmental review thresholds under the Minnesota Environmental Policy Act. Based on DNR discussions with Jeff Broberg, the consultant for the Spring Brook Valley development, we are confident that an EAW will be completed on this project. In sensitive areas, DNR requests that no site impacts, including grading and site preparation, be allowed prior to the completion, review, and approval of an EAW.

Long-term protection of the Mutschler Fen is a priority to the DNR. Based on discussions with the consultant and Rochester planning staff, I have initiated an inquiry to determine the potential inclusion of the fen area into the Scientific and Natural Areas (SNA) program. Inclusion in this program is a complex process and many criteria need to be satisfied. As an SNA, the fen would have extended protection. DNR looks forward to working with the consultant and developer on this project. Please feel free to contact me at any time if you have any questions.

Regards,
Shannon J. Fisher, Ph.D.
Environmental Assessment Ecologist
(507) 359-6073; Shannon.fisher@dnr.state.mn.us

02

ROCHESTER

— *Minnesota* —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 1/15/04

The Department of Public Works has reviewed the application requesting Vacation #04-01 by Thomas Green & Bruce Ackland, to vacate a portion of the Enterprise Dr SW and 36th St SW rights-of-way. The following are Public Works comments on the proposal:

1. Due to the limited Roadway network in this area and the amount of vacant undeveloped property lying to the North of this proposed vacation, Enterprise Drive may need to be extended in the future through this segment of unconstructed roadway to serve as a secondary or primary access supporting additional development. Future land use decisions in this area should not be compromised by a request to vacate at this time. Public Works cannot support the vacation request at this time.

ROCHESTER

— *Minnesota* —

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TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/4/03

The Department of Public Works has reviewed the application for General Development Plan #219 for the proposed Spring Brook Valley development. The following are Public Works comments on this request are from 11/4/03 and revised comments from 1/16/04(bold):

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to Ownership & Maintenance of the Wetland Areas, TID / Substandard Street Reconstruction charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access, and extension of utilities for adjacent properties, and contributions for public utilities.
2. Grading & Drainage Plan approval is required prior to development.
3. A regional stormwater management facility will be required on this Property. The concept of several small detention ponds along the wetland / stream may be permitted as an aesthetic feature, but may not fulfill the Owner's obligations for providing Stormwater Management.
4. Development will be limited by trip generation until a second access is available. Traffic calming measures may be required to limit the traffic from this development through the residential development to the south via Willow Ridge Dr SW.
5. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development, and along the entire frontage of the Property abutting the west frontage road. In addition, a pedestrian trail shall be extended at the Owner's expense through the sanitary sewer corridor to the set property line Specific obligations will be addressed in the Development Agreement.
6. Controlled access dedication requirements, and individual lot access to the frontage road will be determined in the Development Agreement and should not be shown on the GDP.

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ROCHESTER

— *Minnesota* —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

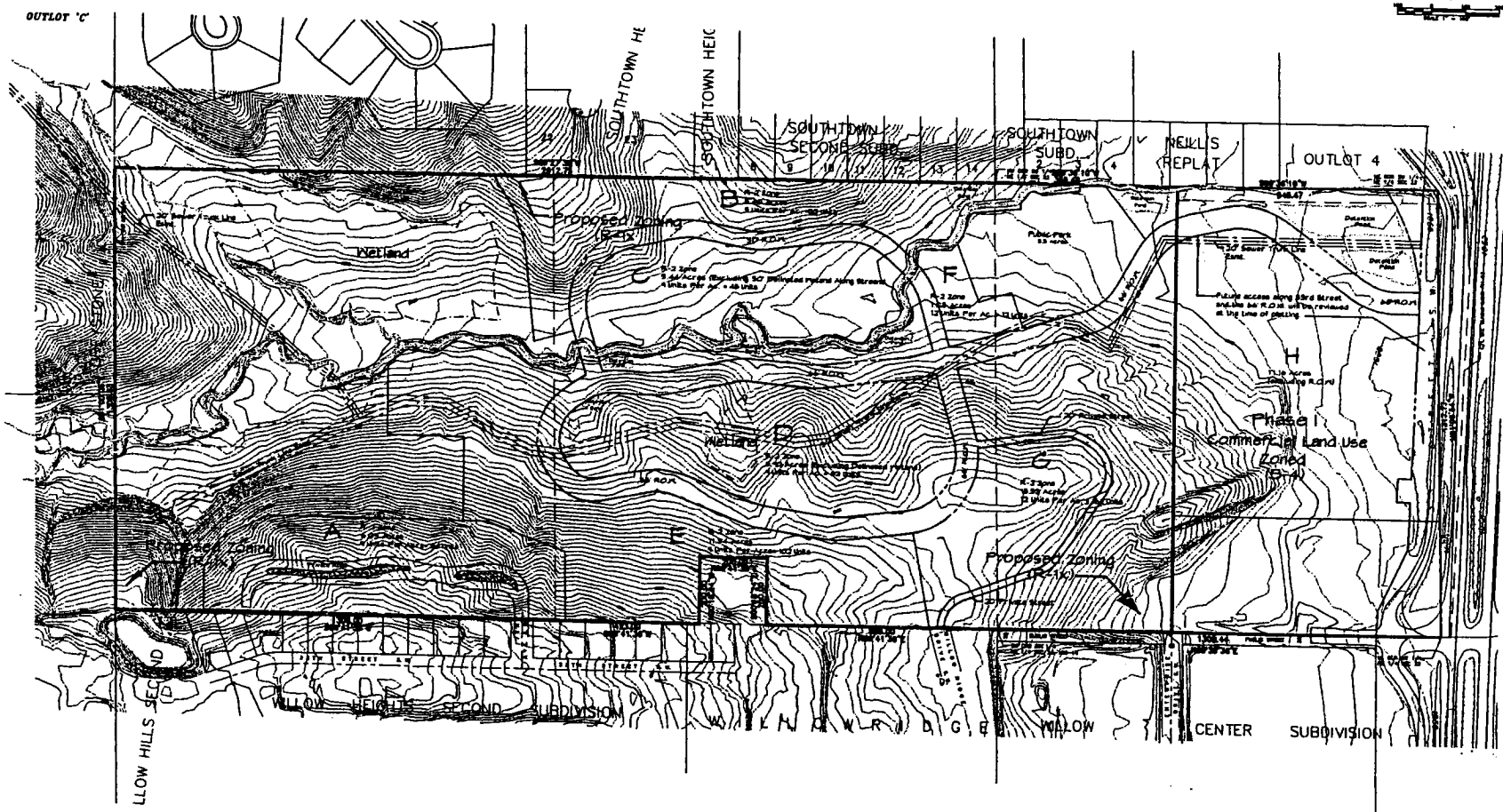
FROM: Mark E. Baker

7. Execution of a City-Owner Contract will be required prior to construction of each phase of development, for all public infrastructure to serve this property.
8. **Public Works, after further review of traffic impacts of this proposed GDP and the use identified therein, has determined that Enterprise Drive need not be connected to the interior public and private street system proposed as part of the development. In the event the property changes such that the density increases, number of units increases or a more intense (commercial) use is proposed Enterprise Drive could be extended through this development and serve as an additional access. It is important that Enterprise Drive be retained for future land use decisions. Enterprise Drive should be extended through this development and serve as a secondary access.**
9. Specific routing of utilities will be addressed through the platting process and plan review.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and City-Owner Contract(s) for the Property and include:

- ❖ Sewer Availability Charge (SAC) @ \$3087.14 per developable
- ❖ Water Availability Charge (WAC) @ \$1851.12 per developable acre
- ❖ Sanitary Sewer Connection Charge @ \$46.60 per foot of frontage (estimated 4000 feet).
- ❖ Willow Creek Transportation Improvement District (TID) charge – TBD in the Development Agreement
- ❖ Substandard Street Reconstruction Charge for the West Frontage Road
- ❖ Storm Water Management – To Be Determined at the time of Grading Plan approval, for areas that do not drain to a privately constructed on-site regional detention facility.
- ❖ First Seal Coat Charge @ \$0.51 per square foot of public road frontage
- ❖ Street Signs, as determined by the City Engineer

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Plan Review
 100 State Street
 Redding, CA 96001
 AND NO. 1200/1000
 Planning, CA 96001
 Date: 10/01
 County: CA

GENERAL DEVELOPMENT PLAN
 Spring Brook Valley
 12-22-03

REVISED

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Mitzi Baker, Planner

DATE: December 4, 2003

RE: General Development Plan #219 to be known as Spring Brook Valley.

Planning Department Review:

Petitioner: COPAR Development, LLC
Tom Hansen
406 Main Street
Red Wing, MN 55066

Property Owner: Rochester Properties
1224 W 96th Street
Bloomington, MN 55431

Mills Properties
PO Box 971
Brainerd, MN 56401

Consultant: McGhie & Betts, Inc.
1648 Third Ave. SE
Rochester, MN 55904

Location of Property: The property is located west of TH 63 S, west of the Fleet Farm store, north of 36th St. SW and east of the Greystone development.

Proposed Use: This Plan includes approximately 114 acres of land. Approximately ¼ of the site, in the west and northwest, is proposed to remain undeveloped. Wetlands have been delineated in this area and are planned to be avoided. A majority of the Site is proposed to be developed with low density residential dwellings that may include townhomes. Proposed densities range from 9 to 12 units/acre. The eastern 17 acres of the site is zoned B-4 (General Commercial) and is proposed to be developed with commercial land uses.

Land Use Plan And Zoning Designations: Except for "Area H", the commercial area, the Rochester Urban Service Area Land Use Plan designates this property as suitable for "low density residential" uses and the property is currently zoned R-1 (Mixed Single Family) district.

Area "H" includes approximately 17 acres along the TH 63 Frontage Road that is currently zoned B-4 (General Commercial).

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



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The applicant has petitioned to change approximately 94 acres of the site from the R-1 (Mixed Single Family) district to the R-2 (Low Density Residential) district.

Streets:

The plan proposes both public and private roadways within the development.

Primary access is shown at the TH 63 west Frontage Road (33rd St.). Additional access to the residential area is proposed at the north end of Willow Ridge Drive. This access is proposed to accommodate two way traffic on a 20' wide private road, which would connect to the internal public street system. In response to concerns raised by the Transportation Planning Staff, this roadway configuration was modified from the original submittal to provide a more circuitous route and to emphasize and encourage use of the primary public road system. Though the Plan labeled this access as a one-way north, the applicant did amend this application to propose that road as a two-way.

Another access is proposed at the north end of 7th Ave. SW. The extension of this road is proposed to be a private street serving a limited area of the development.

Right-of-way for Enterprise Drive SW is platted to the south property line of this GDP, but is not proposed to be extended into the property. Extension of this roadway should be included in this GDP.

Sidewalks:

Pedestrian facilities are required along both sides of all new public roadways. Pedestrian facilities should also be provided between Willow Ridge Drive and the new public roadway within Spring Brook.

Drainage:

This property has steep and rolling terrain and drains to an intermittent stream that runs from west to east through the site. The Plan proposes multiple cells for stormwater management along the stream corridor, as well as two larger detention ponds in the northeast corner of the GDP.

Detailed grading and drainage plans will be required when the property is platted or developed.

Wetlands:

Hydric Soils and Wetlands exist within this GDP. Some of the Wetlands have been identified on the Plan, however one known Wetland was not identified or labeled in the far western portion of the site, south of the drainage corridor. Wetlands have also been delineated along the stream channel.

Calcareous fens are the result of glacial deposits that permit a constant upwelling of alkaline groundwater rich in calcium and magnesium bicarbonates. Many rare plants are largely restricted to fens, which cover just over 1,000 acres statewide. A Calcareous Fen has been delineated in the northwest portion of the Site. Prior to designing grading plans or further development proposals for this property, the developer will need to study the impact that the proposed development will/could have on the Fen. In particular, the roadway and development area shown in "Area C" on the Plan could have adverse impacts on the groundwater and surface water flows towards the Fen if not designed properly.

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Public Utilities: Several alternatives for water service to the site exist. The applicant will need to coordinate with RPU Water Division to determine options and engineering issues. Ultimately a loop from the north to the south systems in the area must be completed to provide adequate flows for fire protection to the commercial area.

Builders will need to install pressure-reducing devices as required by the MN Plumbing Code.

A trunkmain sanitary sewer dissects this property, which currently serves the Greystone development as well as development west of 18th Ave. SW. Service lines will need to be extended from this trunkmain to serve this development.

Parkland Dedication: This proposed development would have a parkland dedication requirement of approximately 7 acres. A minimum of 3.5 acres of the dedication should be in the form of land. The revised GDP indicates a 3.5 acre public park, which will meet the development's land dedication. The balance of the dedication can be in the form of cash in lieu of land or negotiated street construction costs for the park site frontage.

Environmental Review: This development meets several thresholds requiring a Mandatory Environmental Assessment Worksheet in accordance with MN Rules, 4410.4300.

The applicant has not submitted an EAW to the City at this time. Prior to approvals for subdivision or development within this GDP, an EAW will need to be filed with the City, and processed according to MN Rules.

Referral Comments:

1. Planning Dept. Transportation Division
2. Rochester Public Works
3. Wetland LGU, John Harford
4. Rochester Park & Recreation
5. RPU Water Division
6. Rochester Fire Department
7. Planning Department - GIS Division
8. Olmsted County Water Coordinator

Report Attachments:

1. Proposed General Development Plan
2. General Development Plan Narrative
3. Referral Comments

Criteria & Staff Suggested Findings:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached).

Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have

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been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

A Zoning District amendment is being considered concurrent with this GDP. If the amendment were approved, the land uses within the GDP would be consistent with the land use designation and zoning for the property.

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

Generally, low density residential uses are considered compatible with other residential development.

The first Spring Brook Valley GDP filed for this property included a public road connection to Willow Ridge Drive SW. The design of this connection concerned staff because it would likely have resulted in a higher than acceptable volume of traffic utilizing Willow Ridge Drive SW. Since the original submittal, the applicant's consultant re-designed the access to Willow Ridge Drive to provide a less desirable route for motorists while still maintaining the access. As part of this re-design of the connection, the public street system providing connection to the TH 63 west frontage road was emphasized, to encourage motorists to utilize that route. Though the revised GDP was submitted with the Willow Ridge Dr. connection labeled as a one-way going north, the applicant has requested to change that labeling to a two-way private road. Staff reviewed this application with this connection as a two-way. As a two-way private street (20' min. width) show, it is expected that Willow Ridge Drive will operate at capacity.

If necessary to further reduce trips on Willow Ridge Drive, the developer could be required to install a traffic-calming device, which could further reduce the number of vehicles utilizing Willow Ridge Drive. Another option is that the City could require the developer to contribute toward upgrading Willow Ridge Drive to the design standards of a Major Residential Street to handle higher volumes of traffic. On and off site improvements will need to be outlined in a development agreement prior to development of this property.

Currently, Enterprise Drive right-of-way terminates at the south line of this development. The GDP submitted does not include an extension of Enterprise Drive. As recommended by Rochester Public Works, the extension of this roadway needs to be incorporated into this GDP.

Connection from Carlton to either TH 63 or 40th St occurs via the West Frontage Road, currently a substandard local non-residential street. Upgrading of the West Frontage Road is planned to a collector street cross section as part of the TH 63 South Interchange Project, which will replace at-grade intersections on TH 63 with an interchange at 40th St and will upgrade connecting roads to the interchange area. Upgrading of Carlton Street and construction of Enterprise Drive will need to be resolved, most likely through a public improvement project with the developer's contribution to the project identified in a Development Agreement.

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Contribution toward these improvements will likely be required by this developer via TID (Traffic Improvement District) charges.

At the time of development, site capacity calculations will need to be completed. Based on the calculations, the development density may actually be less than what is shown on the GDP. The site capacity calculations will determine what the developable acreage is after subtracting certain environmental features. At this time, the applicant has not completed site capacity calculations for this project, to determine the permitted density of developable acres. These calculations are required at the time a detailed site plan is prepared and submitted for review/approval.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

A Zoning District amendment is being considered concurrent with this GDP. If the amendment were approved, the land uses within the GDP would be consistent with the land use designation and zoning for the property.

The policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan encourage developing a range of densities and development styles. Development of this property would provide more choices in housing styles and densities within this geographic area of the City.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

Several alternatives for extending water service to the site exist. The applicant will need to coordinate with RPU Water Division to determine options and design requirements.

A trunkmain sanitary sewer dissects this property, which currently serves the Greystone development and other developments located west of 18th Ave. SW. Service lines will need to be extended from this trunkmain to serve this development.

The first Spring Brook Valley GDP filed for this property included a public road connection to Willow Ridge Drive SW. The design of this connection concerned staff because it would have resulted in a higher than acceptable volume of traffic utilizing Willow Ridge Drive SW. Since the original submittal, the applicant's consultant re-designed the access to Willow Ridge Drive to provide a less desirable route for motorists while still maintaining the access. As part of this re-design of the connection, the public street system providing connection to the TH 63 west frontage road was emphasized to encourage motorists to utilize that route. Though the revised GDP was submitted with the Willow Ridge Dr. connection labeled

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as a one-way going north, the applicant has requested to change that labeling to a two-way private road. Staff reviewed this application with this connection as a two-way. As a two-way private street (20' min. width), with the alignment on the GDP, it is expected that Willow Ridge Drive will operate at capacity.

If necessary to further reduce trips on Willow Ridge Drive, the developer could be required to install a traffic-calming device, which could further reduce the number of vehicles utilizing Willow Ridge Drive. Another option is that the City could require the developer to contribute toward upgrading Willow Ridge Drive to the design standards of a Major Residential Street to handle higher volumes of traffic. On and off site improvements will need to be outlined in a development agreement prior to development of this property.

Currently, Enterprise Drive right-of-way terminates at the south line of this development. This road needs to be extended into this property to provide additional access and circulation. The GDP submitted does not include an extension of Enterprise Drive. As recommended by Rochester Public Works, the extension of this roadway needs to be incorporated into this GDP.

Upgrading of Carlton Street and construction of Enterprise Drive will need to be resolved, most likely through a public improvement project with the developer's contribution to the project identified in a Development Agreement.

The development will need to be phased to limit the number of trips generated prior to completion of the roadway connection to Willow Ridge Drive.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

A Traffic Impact Analysis was completed in October by Muhammad Khan, Transportation Planner, for the original GDP submitted to the Planning Department. This document is attached. The application has, however, been modified to address some concerns with the volume of trips that would have utilized Willow Ridge Drive. A new formal Analysis was not prepared for the amended GDP, however Mr. Khan has informed staff that the modifications made to the roadways, and the access as shown on the Revised GDP dated

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November 14, 2003 would result in Willow Ridge Drive operating at or near capacity. If necessary to further reduce trips on Willow Ridge Drive, the developer could be required to install a traffic-calming device, which could further reduce the number of vehicles utilizing Willow Ridge Drive. Another option is that the City could require the developer to contribute toward upgrading Willow Ridge Drive to the design standards of a Major Residential Street to handle higher volumes of traffic. On and off site improvements will need to be outlined in a development agreement prior to development of this property.

Right of Way for Enterprise Drive terminates at the south line of this property and is not currently shown to extend into this GDP. This Right-of-Way should be extended into this property and incorporated into the roadway network for this Site. Upgrading of Carlton Street and construction of Enterprise Drive will need to be resolved, most likely through a public improvement project with the developer's contribution to the project identified in a Development Agreement.

The development will need to be phased to limit the number of trips generated prior to completion of the roadway connection to Willow Ridge Drive.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Several alternatives for extending water service to the site exist. The applicant will need to coordinate with RPU Water Division to determine options and design requirements.

A trunkmain sanitary sewer dissects this property, which currently serves the Greystone development. Service lines will need to be extended from this trunkmain to serve this development.

Detailed construction plans will need to be prepared and approved by the City prior to constructing infrastructure for this Development.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

This proposed development would have a parkland

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dedication requirement of approximately 7 acres. A minimum of 3.5 acres of the dedication should be in the form of land. The revised GDP indicates a 3.5 acre public park that will meet the development's land dedication. The balance of the dedication can be in the form of cash in lieu of land or negotiated street construction costs for the park site frontage.

Pedestrian facilities should be provided between Willow Ridge Drive and the internal public street system within this GDP. Mid-block pedestrian connections will be required consistent with the Ordinance.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

Storm water ponds are proposed in multiple locations, on the GDP, along the creek corridor. The concept of several small detention ponds along the stream may be permitted as an aesthetic feature, but may not fulfill the Owner's obligations for providing Stormwater Management. Detailed grading and drainage plans will be required prior to platting or grading.

Decorah Edge conditions exist through a vast area of this Site. The developer and consultants may need to incorporate subdrain and tiling in the engineering design for the Site. Development of this property may have an impact on groundwater supplies and re-charge for the City's drinking water supply. The developer is encouraged to learn more about development in the Decorah Edge to avoid unexpected expenses and minimize impacts to the natural filtration of water that occurs in these areas.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

A Zoning District amendment is being considered concurrent with this GDP. If the amendment were approved, the land uses within the GDP would be consistent with the land use designation and zoning for the property.

At the time of development, site capacity calculations will need to be completed. Based on the calculations, the development density shown on the GDP may actually be less. The site capacity calculations will determine what the developable acreage is after subtracting certain environmental features. Additionally, the applicant will need to study the groundwater and surface water flows of the site to avoid adverse impacts to the delineated Calcareous Fen, which may result in a reduction of the development area.

Decorah Edge conditions exist through a vast area of this Site. The developer and consultants may need to incorporate subdrain and tiling in

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the engineering design for the Site. Development of this property may have an impact on groundwater supplies and re-charge for the City's drinking water supply.

Summary & Comments:

This property includes delineated Wetlands including a Calcareous Fen, a stream corridor, moderate and steep slopes, and Decorah Edge recharge areas. Grading plan and site plan design will need to incorporate natural features, protect Wetlands and reflect densities consistent with the Rochester Zoning Ordinance and Land Development Manual (LDM) regulations. Additionally, portions of this site include wooded hillsides. The applicant should be aware that Section 64.340 of the LDM could require re-vegetation or screening of slopes exposed by new development, primarily on the wooded slopes.

Permitted densities in the R-1X district may be more appropriate on this property, than the permitted densities in the R-2 district.

If the applicant is relying on future approval of a Substantial Land Alteration/Excavation permit in order to accomplish the GDP proposed, the applicant may want to consider filing a request for the appropriate permit(s) early in the development process, especially if the development design or feasibility would change significantly without approval of said permits.

With the level of detail provided on this GDP, it is difficult for Staff to conclude compatibility of the development style with the landscape/environment. Housing styles have not been specified and placement of dwelling units has not been identified. Future submittals of site plans and grading plans will provide Staff opportunities to review the development details and determine compliance with regulations and policies.

The developer is encouraged to become educated on the impacts that the Decorah Edge may have on the cost for development. Additionally, the developer is encouraged to utilize slab on grade construction, where possible, in the Decorah Edge areas of the development, to minimize interference with groundwater flows and reduce the risk of wet basement problems.

Regarding roadways within the development:

Enterprise Drive should be extended north into this property to provide additional access and circulation. The application currently does not accommodate the extension of this roadway. It's difficult to approve a GDP with a condition that the roadway is extended into the site, because there is no opportunity to review the proposed alignment and other changes that would occur in the GDP to accommodate the extension. If the Commission and Council agree that this roadway should be extended into this GDP, the GDP should probably be denied for failure to accommodate.

Future construction of Enterprise Drive and re-construction of Carlton Street will likely need to be done as public improvement projects in the future. These projects will likely also be included in a Traffic Improvement District (TID). This GDP will be subject to TID charges that will be outlined in a future Development Agreement.

Willow Ridge Drive has limited additional capacity. The roadway connection shown on the GDP and corrected to be a TWO-WAY would result in Willow Ridge Drive operating at or near capacity. In order to reduce the number of vehicles using Willow Ridge Drive from Spring Brook Valley, traffic calming could be required within the Spring Brook Valley GDP to further reduce the trips on that road. Another option would be to require contribution from the developer for future upgrade of Willow Ridge Drive to a Major Local Residential, to increase

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capacity. Details of on and off site improvements will need to be outlined in a Development Agreement for this GDP.

Several Plans have been prepared for this property over the years, though most were never filed formally. Two years ago a GDP was prepared for this property, which included a mix of townhomes and multi-family in the R-3 district. Those applications were eventually withdrawn and never acted on by the City Council. Following the submittal of these applications, it was determined that a Collector road would not be required through this property for future extension to 18th Ave. SW, as was shown on the Thoroughfare Plan.

Today, a GDP has been filed that includes approximately 114 acres of land. The applicant is proposing to re-zone 94 acres to the R-2 (Low Density Residential) district, and is proposing commercial land uses in the eastern 17 acres of the Site which is already zoned B-4 (General Commercial).

Recommendation:

If the Commission and Council support the extension of Enterprise Drive into this property, this GDP should be denied, as submitted. If the Commission and Council ultimately to not agree with Staff recommendation for the extension and construction of Enterprise Drive into this GDP, then approval could be considered. Since the requirement to file a GDP concurrent with any up-zoning request allows for consideration of these applications simultaneously, the decision on the request to re-zone 94 acres from R-1 (Mixed Single Family Residential) to R-2 (Low Density Residential) could impact the decision on this GDP. If, for instance, the Commission and Council do not support the request to re-zone this property to R-2, the GDP should be denied because it would not be consistent with the current R-1 zoning for the residential portion of the GDP.

Please consider the following conditions, if the Commission and Council choose to approve this GDP, without the extension of Enterprise Drive:

- 1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the Cit that outlines the obligations of the developer/owner relating to, but not limited to Ownership & Maintenance of the Wetland Areas, TID/Substandard Street Reconstruction charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public utilities.***
- 2. A regional stormwater management facility will be required within this GDP site. The concept of several small detention ponds along the wetland/stream may be permitted as an aesthetic feature, but may not fulfill the Owner's obligations for providing Stormwater Management.***
- 3. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development, and along the entire frontage of the GDP abutting the west frontage road. Mid block connections must be provided as required by Ordinance. The developer/owner shall also provide pedestrian facilities between the northern extent of Willow Ridge Drive through Spring Brook Valley to the public road system within the development. In addition, a pedestrian trail shall be extended at the Owner's expense through the sanitary sewer corridor to the west property line. Specific obligations will be addressed in the Development Agreement.***

4. *Prior to designing grading plans or further development proposals for this property, the developer will need to study the impact that the proposed development will/could have on the Fen. In particular, the roadway and development area shown in "Area C" on the Plan could have adverse impacts on the groundwater and surface water flows towards the Fen. Prior to approval of any land disturbing activities in the areas adjacent to the Fen (i.e. Area C), the applicant shall coordinate with the Planning Department and MN DNR to verify that development activities will have no adverse impacts on the Fen in the near future or long term.*
5. *A revised GDP shall be filed with the Planning Department identifying all delineated Wetlands on the property.*
6. *Approval is Contingent upon negative findings for an EAW and completion of a study of groundwater and surface water flow of the site. Any Modifications to the Plan to mitigate or avoid adverse environmental impacts identified through the EAW process, or through further assessment of the Site's hydrology will need to be reflected in a revised GDP.*
7. *Staff reviewed this application with a two way private roadway proposed as a connection to Willow Ridge Drive, as requested by the applicant. If this connection is approved as a private two way road, the Owner will be required through the Development Agreement process to dedicate public access rights over the private roadway to allow traffic flow between the proposed and existing development.*
8. *At the time of development, water main extension and hopping of systems must be completed per the requirements of RPU Water.*
9. *Parkland dedication requirements shall be met via dedication of the 3.5 acre public park shown on the Revised Plan dated November 14, 2003. The balance of dedication (total approx. 7.0 acres), shall be in the form of cash in lieu of land or negotiated street construction costs for the park site frontage.*

Notes & Reminders:

Development will need to be phased to limit the number of trips to <1,200 prior to construction of a second access. Phasing shall be such that access to Willow Ridge Drive SW occurs when the development will exceed the 1,200 trip threshold and not before based on plats or Plan approval.

Development densities shown may be reduced following site capacity calculations.

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

107
DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX - 507-281-6216

FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application for General Development Plan #219 for the proposed Spring Brook Valley development. The following are Public Works comments on this request from 11/4/03. New comments are indicated in **BOLD**, while comments that have been addressed by the revisions, or are no longer applicable are shown with ~~STRIKETHROUGH~~:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to Ownership & Maintenance of the Wetland Areas, TID / Substandard Street Reconstruction charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access, and extension of utilities for adjacent properties, and contributions for public utilities.
2. Grading & Drainage Plan approval is required prior to development.
3. A regional stormwater management facility will be required on this Property. The concept of several small detention ponds along the wetland / stream may be permitted as an aesthetic feature, but may not fulfill the Owner's obligations for providing Stormwater Management.
4. Development ~~will~~ **may** be limited by trip generation until a second access is available. ~~Traffic calming measures may be required to limit the traffic from this development through the residential development to the south via Willow Ridge Dr SW.~~
5. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development, and along the entire frontage of the Property abutting the west frontage road. In addition, a pedestrian trail shall be extended at the Owner's expense through the sanitary sewer corridor to the west property line. Specific obligations will be addressed in the Development Agreement.
6. Controlled access dedication requirements, and individual lot access to the frontage road will be determined in the Development Agreement and should not be shown on the GDP.

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

7. Execution of a City-Owner Contract will be required prior to construction of each phase of development, for all public infrastructure to serve this property.
8. Enterprise Drive should be extended through this development and serve as the **primary secondary access, with the connection to Willow Ridge Dr SW acting as a third alternative access. The revised plan does not address Public Works prior comment regarding the extension of Enterprise Dr SW.**
9. Specific routing of utilities will be addressed through the platting process and plan review.
10. **It is staff's understanding that the applicant intends to request the proposed private road from Willow Ridge Dr SW to this property be permitted for two way traffic vs. one way as shown on the submitted plan. If this connection is approved as a private two way road, the Owner will be required through the Development Agreement process to dedicate public access rights over the private roadway to allow traffic flow between the proposed and existing development.**

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and City-Owner Contract(s) for the Property and include:

- ❖ Sewer Availability Charge (SAC) @ \$3087.14 per developable
- ❖ Water Availability Charge (WAC) @ \$1851.12 per developable acre
- ❖ Sanitary Sewer Connection Charge @ \$46.60 per foot of frontage (estimated 4000 feet).
- ❖ Willow Creek Transportation Improvement District (TID) charge – TBD in the Development Agreement
- ❖ Substandard Street Reconstruction Charge for the West Frontage Road
- ❖ Storm Water Management – To Be Determined at the time of Grading Plan approval, for areas that do not drain to a privately constructed on-site regional detention facility.
- ❖ First Seal Coat Charge @ \$0.51 per square foot of public road frontage
- ❖ Street Signs, as determined by the City Engineer



we pledge, we deliver

October 31, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: General Development Plan #219 by COPAR Development to be known as Spring Brook Valley to develop 111.3 acres (17.16 acres as Business Use and 94.14 acres as Residential Use) and Zoning District Amendment #03-22 to re-zone 94.14 acres from R-1 to R-2 district.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. Most of this property is within the Intermediate Level Water System Area, which is available in two locations from the north and one from the south. Preliminary computer water system modeling indicates that to provide adequate flows for fire protection in the B-4 area (Planned Phase I) a loop from the north to the south systems must be completed.
3. The upper area to the southwest is within the Willow High Level Water System Area, which is available at the end of 7th Ave SW.
4. Static water pressures within this entire area will range from the low 60's PSI to the low 90's PSI depending on the finished grades. The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.
5. The water mains must be looped to minimize "dead ends" and water mains must be extended to adjacent properties per our requirements.
6. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
COPAR Development, Inc.
McGhie & Betts, Inc.

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The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 3, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: General Development Plan (GDP) #219, to be known as Spring Brook Valley and Zoning District Amendment #03-22.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 32feet in width shall be posted "No Parking" on one side of the street. Streets less than 26 feet in width shall be posed "No Parking" on both sides of the street.
- c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
COPAR Development, Inc
McGhie & Betts, Inc.

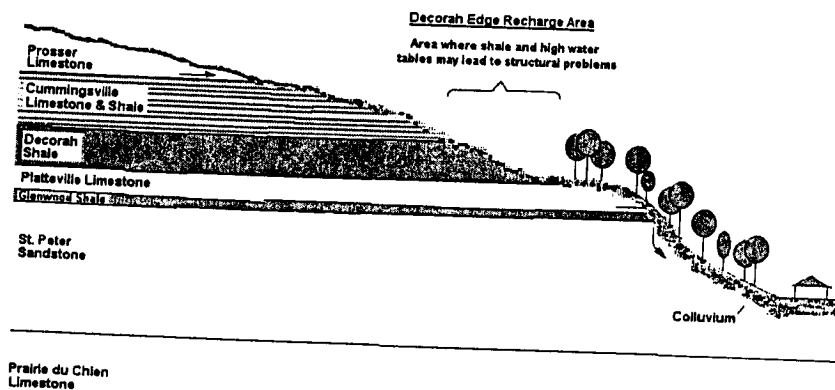
Date: November 6, 2003

To: Jennifer Garness, Rochester-Olmsted Planning Department

From: Terry Lee, Olmsted County Environmental Services

Re: General Development Plan #219 by COPAR Development to be known as Spring Brook Valley Subdivision, and Zoning District Amendment #03-22, Rochester Township, Section 23.

The Decorah Edge (see diagram below) is present within the area where the parcel is located. In this hydrogeologic setting, water discharges from the upper aquifer through soils overlying the Decorah shale before recharging the underlying aquifer. Developments in this setting have the potential to affect and be affected by these groundwater processes. Shrinking and swelling of the shale may cause structural problems and seasonal high water tables may result in wetness and flooding problems. This finding is based on information derived from the Olmsted County Geological Atlas, construction logs from nearby wells, and bedrock mapping using two-foot contour intervals.



The Decorah shale layer within this area is mapped at elevation of 1083' to 1130' (see attached map). The mapped bedrock elevations do not account for an approximate 10 to 15 ft/mile southwest dip in the bedrock in this area (see elevations in Table 1). Consequently bedrock elevations would be expected to be higher in the in the northwestern corner of the site and slightly lower in the southeastern corner. More accurate bedrock elevations may be available from borings completed on or near the site.

Table 1. Mapped Bedrock Elevations in Section 23 of Rochester Township.*

Map Unit			Decorah	
Township	Sec	Sub-sec	Fro	To
ochester	23	N	1083	1130
Rochester	23	S	1072	1120

* the attached map is based on the elevations shown for the north ½ of Section 23.

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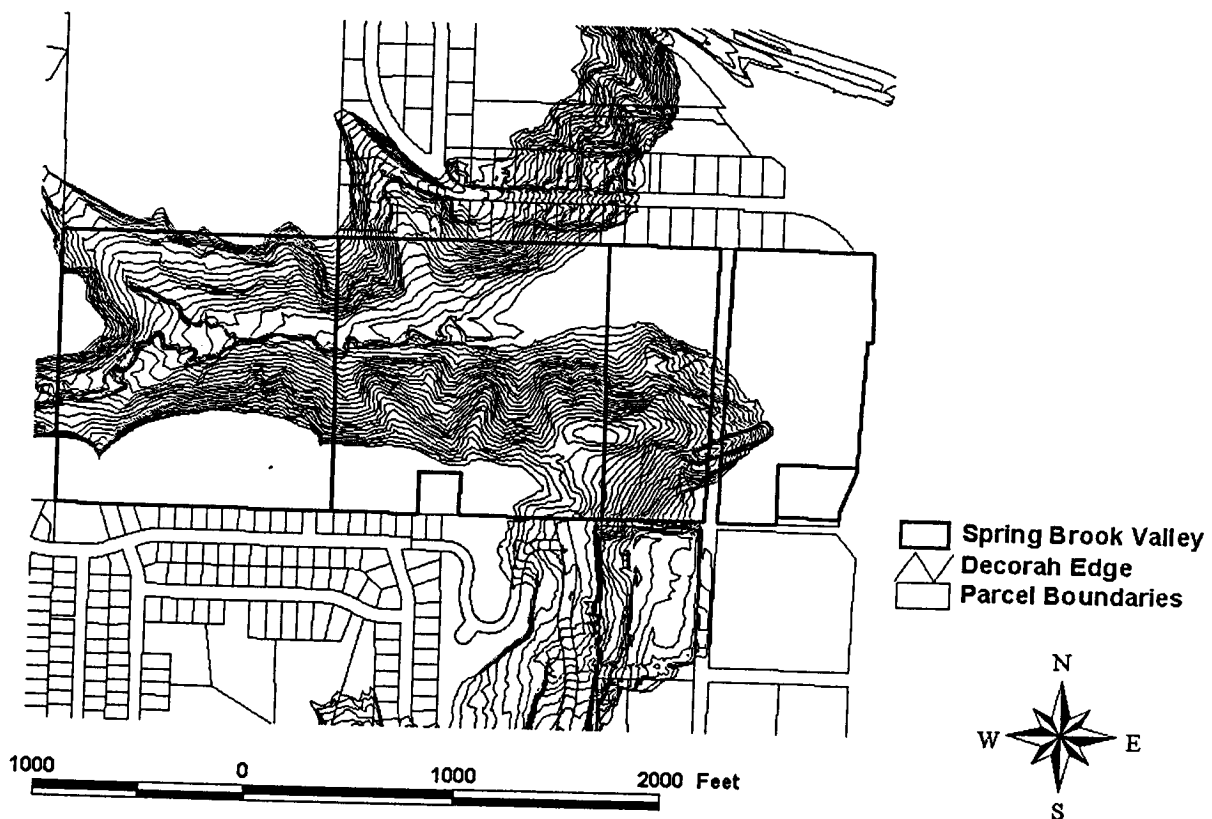
An overview of the Decorah Edge recharge processes and the associated shale and flooding problems can be seen on the 15-minute video titled "Rochester's Groundwater Guardian". Copies of the video are available at the Rochester Public Library.

Enclosed is a Decorah Edge brochure that was prepared by our office.

For additional information contact:

Olmsted County Environmental Services
2116 Campus Drive SE
Rochester, MN 55905
(507) 285-8339
lee.terry@co.olmsted.mn.us

Extent of the Decorah Edge at the Spring Brook Valley
General Development Plan in Rochester Township, Section 23



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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: GDP #219 Spring Brook Valley

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☒ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

Additional wetlands have been delineated on this property along the stream channel. A delineation report was submitted and is to be amended. Wetlands previously delineated on the wetsern portion of this property are not shown on this GDP.



ROCHESTER PARK AND RECREATION DEPARTMENT

November 17, 2003

TO: Jennifer Garness
Planning

RE: GDP #219 **REVISED**
Spring Brook Valley

The development as proposed will have a parkland dedication requirement of ± 7.00 acres. A minimum of 3.5 acres of the dedication should be in the form of land.

The revised GDP indicates a 3.5 acre public park. This site will meet the development's land dedication. The balance of the dedication can be in the form of cash in lieu of land or negotiated street construction costs for the park site frontage.



115

Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

GENERAL DEVELOPMENT PLAN

REFERRAL RESPONSE

DATE: November 21, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Mc Ghie & Betts Inc.

RE: **SPRING BROOK VALLEY**
GENERAL DEVELOPMENT PLAN #219 REVISED

A review of the GDP has turned up the following **ROADWAY** or **ADDRESS** related issues:

- 1. The official designation of all public and/or private roadways must have approval of the GIS/E911 Addressing Staff.***
- 2. Supplementary Address Signage and the incurred costs may be required to eliminate complicated or confusing addressing situations. This signage must be coordinated with the GIS/ E-911 Addressing Staff in cooperation with the Rochester Fire Department. If required, this signage will be determined at the time of address review.***



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060

2900 48th Street N.W.

Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

November 25, 2003

Jennifer Garness
Rochester-Olmsted Planning Department
2122 Campus Drive SE, Suite 100
Rochester, MN 55904

RE: Revised General Development Plan (GDP) #219, to be known As Springbrook Valley and Zoning District Amendment #03-22. The applicant, COPAR Development, is proposing to re-zone 94.14 acres of land from Mixed Single Family to Low Density Residential district. The property is located west of US Highway 63, south of US Highway 52 and Southtown Heights and north of 36th Street SW.
US Highway 63, CS 5510

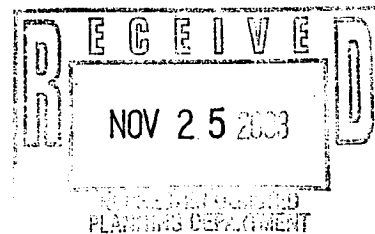
Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposal as described. The revised GDP is acceptable, however Mn/DOT encourages the City of Rochester to continually develop internal street connections to reduce impacts for both City streets and for Mn/DOT roadways.

Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul
Planning Director





The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 26, 2003

TO: Jennifer Garness, Planning (E-mail only)

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Revised General Development Plan #219, to be known as Spring Brook Valley AND
Zoning District Amendment #03-22.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate minimum water supply of 2750 gallons per minute at 20 pounds per square inch shall be provided to all portions of the property for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division shall be provided for this development plan. Hydrants shall be in place prior to building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 32feet in width shall be posted "No Parking" on one side of the street. Streets less than 26 feet in width shall be posed "No Parking" on both sides of the street.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking".
- c: Donn Richardson, RPU, Water Division (E-mail only)
Mark Baker, Rochester Public Works (E-mail only)
COPAR Development, Inc
McGhie & Betts Inc. (E-mail only)

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MEMORANDUM

TO: City Planning & Zoning Commission

FROM: Muhammad Khan
Transportation Planner

DATE: October 30, 2003

RE: Review of Traffic Impact Analysis for **Spring Brook Valley**

Introduction

The GDP includes total of 112 acres of land and proposes to develop the eastern 17.16 acres as General Commercial District (B-4), remaining 94.14 areas proposed for rezoning from R-1 to R-2. Residential area broken into 2 areas-subareas B through G on GDP to be served by roads from the east which includes 455 units, and subarea A, which is served off 7th Ave and included a total of 54 units.

To review the GDP, the following traffic analysis issues are relevant:

1. Level of Service (LOS) – The impact of the development to intersections along any non-residential street where more than 5% of the intersection traffic is generated by the project should be evaluated to determine if the additional traffic increases the average delay per motorist such that the LOS drops below “D”.
2. Number of Access Points – The number of access points shall be minimum needed to provide adequate access capacity for the site
3. Residential Street Impact – Traffic added by the project to existing residential street shall not cause traffic to exceed acceptable ranges identified in the Thoroughfare Plan. The volume thresholds are 1500 +/- 10% for local streets and 2000 +/- for major local streets.

There are also other sections in the Zoning Ordinance and Land Development Manual that are relevant to review of this GDP. Section 64.120 of the LDM includes criteria related to secondary access and connectivity of local streets. The criteria for approval of a GDP addressing the adequacy of public streets is found in section 61.215 and Access Spacing Standards are included in Section 64.140 of LDM.

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Summary of Background Information:

- MNDOT, the City of Rochester and Olmsted County have a major highway improvement project programmed for the year 2005 that will upgrade 40th Street SW, the West Frontage Road north of 40th St, and the TH63 mainline to include 4 through lanes and 2 auxiliary lanes north of 40th St with an interchange at 40th St SW.
- Figure 1 on next page shows the site location in respect to the existing land use and the TH 63 / TH 52 interchange.

Residential Area Trip Generation

The GDP is divided into 7 residential districts (A-G). Table 1 illustrates the breakdown of these areas and estimated daily and peak hour traffic generated from each of the districts.

Table 1: Residential Subarea Trip Generation

Area	Style	Units/Acres	Daily Trips	PM Trips	IN	OUT	AM Trips	IN	OUT
A	R-2	54	405	39	25	14	31	7	24
B	R-2	50	375	36	23	13	29	7	22
C	R-2	48	360	35	22	13	28	6	22
D	R-2	70	525	50	32	18	41	9	32
E	R-2	78	585	56	36	20	45	10	35
F	R-2	56	420	40	26	14	33	8	25
G	R-2	153	1148	110	70	40	89	20	69
Totals		509	3818	366	234	132	296	67	229

- Area A traffic is separate from areas B through G will impact only Willow Heights Drive
- Trip Generation estimates based on trip generation 270, ITE Trip Generation Handbook, 6th edition

Commercial Land Use Trip Generation

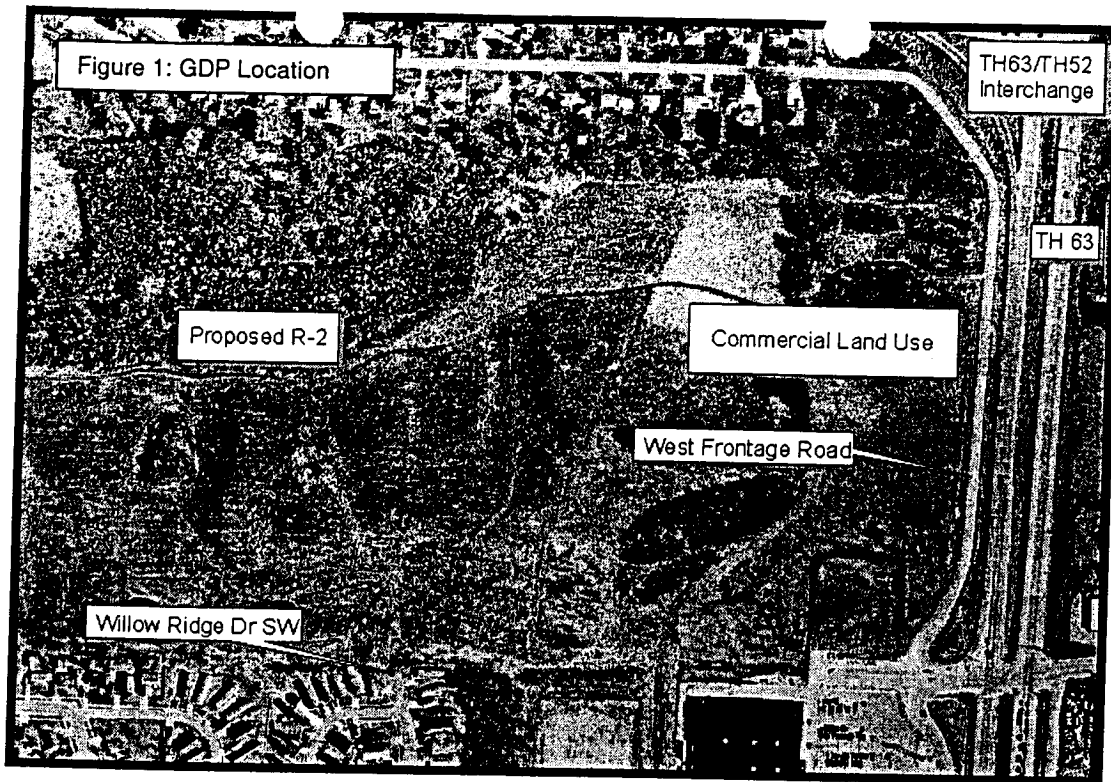
The proposed development includes approximately 17.16 Acres of commercial area along the frontage road to the east of GDP. The AM and PM hour trips estimate assumed 130,000 sq feet of commercial area based on a nominal Floor Area Ratio (FAR) of .175 and developed as a Specialty Retail Center. Table 2 shows commercial subarea estimated daily, morning and evening peak hours estimated trips.

Table 2: Commercial Subarea Estimated Trip Generation

Area	Use	Acres	Daily Trips	PM Trips	IN	OUT	AM Trips	IN	OUT
H	Commercial	17.16	5287	641	365	276	833	400	433

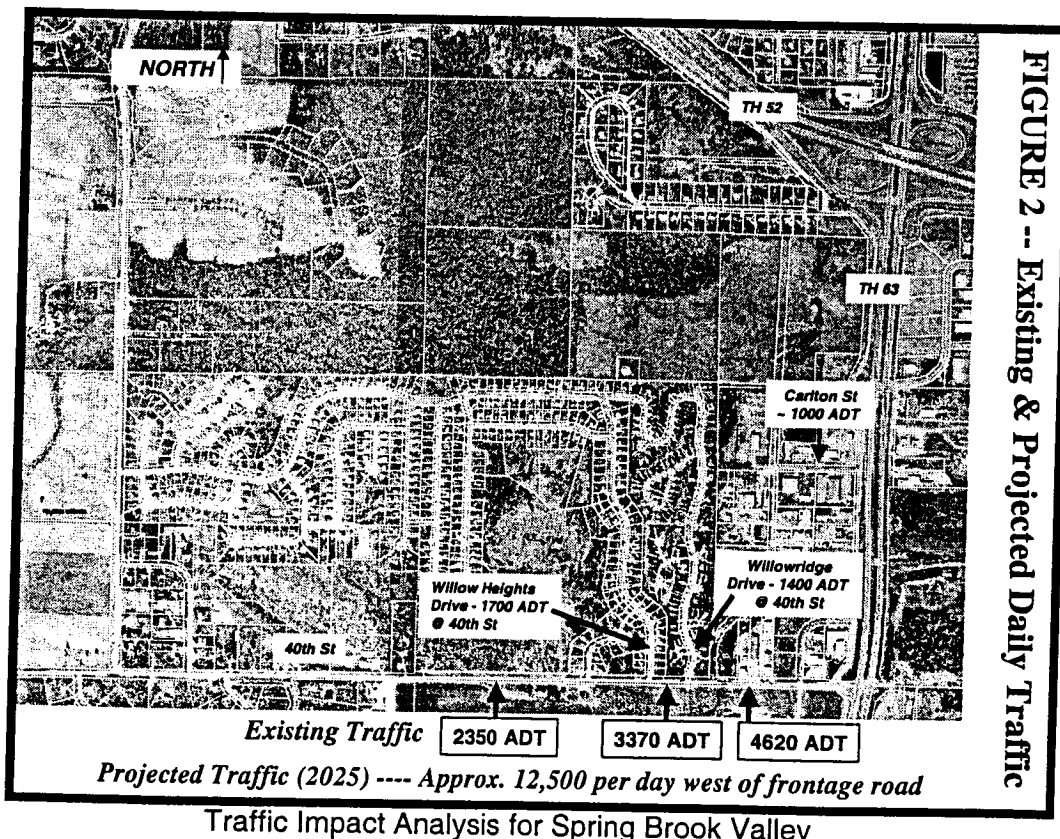
- Trip Generation estimates based on trip generation 814, ITE Trip Generation Handbook, 6th edition

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Daily Traffic Volumes

- The traffic flow map shows an existing average daily traffic of 29,100 on south TH 63 between 40th Street SW and the TH 63 / TH 52 interchange. The projected estimated traffic in the year 2025 is approximately 42,583 vehicles per day.
- The existing and projected daily traffic volumes on the nearby streets are shown in Figure 2



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Existing Zoning

Table 3 summarizes the projected traffic from the residential area of site under the existing R-1 zoning

Table 3: Estimated Residential Trip Generation under current zoning

Area	Units	Acres	Daily Trips	PM Trips	IN	OUT	AM Trips	IN	OUT
(Single family	188 @ 2/acre	94.14	1800	145	36	109	192	123	69

- Trip Generation estimates based on trip generation 210, ITE Trip Generation Handbook, 6th edition

Street Design and Capacity

Streets in the nearby area that will be impacted by the increase in traffic from the proposed development include the following:

- Willow Heights Drive is a 36' roadway on 66' ROW and is considered a Major Local Street, whereon the acceptable range of daily traffic is approximately 2000 to 3000 vehicles per day.
- Willow Ridge Drive SW is 32' roadway on 66' Right of Way and is considered to be a local street and the acceptable range of daily traffic is 1500-2000 ADT.
- Currently, the West Frontage Road is serving as non-residential Local Street and proposed to become a Collector Street on The Long Range Thoroughfare Plan.
- Carlton Street is a non-residential street, currently with a 26' roadway on 66' ROW, and Enterprise Drive north of Carlton St., which also has a 66' ROW.

Review of the Key Traffic Issues

Level of Service

- Traffic operation was evaluated previously with higher trip generation to determine if the traffic impact from the proposed development would cause LOS at the intersection of 40th St with Willow Heights Drive drop below standards. Now with the new trip generation, the traffic impact from the proposed development will be nominal and the intersection will continue to operate at LOS "C".
- LOS analysis at the intersection of 40th St with Willow Ridge Drive SW was evaluated with lower trip generation previously. The traffic impact due to the development is going to be higher and the intersection is expected to operate at LOS below standards.
- Traffic operation was also evaluated at the intersection of Carlton Street and the West Frontage Road, to determine if the traffic impact from the proposed development would cause LOS at this intersection drop below standards.
- The proposed connection to the site through Willow Ridge Drive SW will drop the level of service below standard at the intersection of 40th St. At the moment this intersection is operating at LOS "C" and would continue to do so provided no new traffic is added to Willow Ridge Drive.
- It is expected that over time traffic on 40th St will grow significantly, to a level approaching 12,500 vehicles a day in the year 2025 when the area south of 40th St on both side of TH 63 fully develops with commercial and industrial uses.

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- The proposed interchange at 40th St along with Frontage Road improvement and proposed upgrading of 40th St to four lanes with raised median and turn lanes will permit the LOS drop only to "C" which meets the standards of LDM.

Number of Access Points

The total daily traffic generated by the proposed development is expected to be 9100 ADT (see tables 1 & 2), of which the majority under the proposed plan will take access to the area from the West Frontage Road through the proposed Major Local Road along the north side of the development. Out of 9100 daily trips generated by the proposed development, 42% (3818 ADT) will be generated by the residential area and remaining 58% (5282 ADT) trips will be made by the commercial area.

Residential Development

- The major part of trips generated by residential areas D, E and G in the proposed GDP would likely use Willow Ridge Drive as a primary access from 40th St. It is estimated that potentially 33% of traffic generated by area D, 75% for E and 50% for G would take access via Willow Ridge Drive. It is estimated that up to 1180 daily trips in addition to the existing 1400 per day generated by the Willow Ridge Mobile Home Park will use Willow Ridge Drive to 40th St SW.
- Willow Ridge Drive is a local street and designed to handle a daily traffic load of 1500- to 2000 vehicle per day. With the proposed plan layout, it is estimated that total traffic on Willow Ridge Drive will approach 2600 ADT.
- The level of traffic impact of the development in area "A" on Willow Heights Drive out to 40th St will have a minor LOS affect on the intersection.

Commercial Development

- The GDP is proposing 5 access points to the Commercial Land Use on the east side of development off the west Frontage Road. The access locations as noted on the GDP are proposed to be located a minimum of 125' apart.
- The proposed commercial use is expected to generate roughly 5,000 daily trips and if all these trips are made off the Frontage Road through the proposed 5 access points, it may pose safety hazards for pedestrian, bicyclists and people with disabilities.
- One of the design objective under Section 64.144 of the LDM, is to ensure that the access provides for the safe crossing of pedestrian, bicyclists and the handicapped.
- Two other design objectives in section 64.144(2 & 6) of the LDM are relevant to review the proposed access points to Commercial Land Use on the east side of GDP. They are related to adequate stopping distance, intersection sight distance and access location in relation to driveways and street intersections.
- The spacing distance proposed in GDP is the absolute minimum the meets the acceptable standards such as AASHTO and the various TIR References. Most guidelines places desirable spacing at 200-250 feet based on Stopping Sight Distance and Decision Sight Distance.

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Summary of Key Traffic Issue

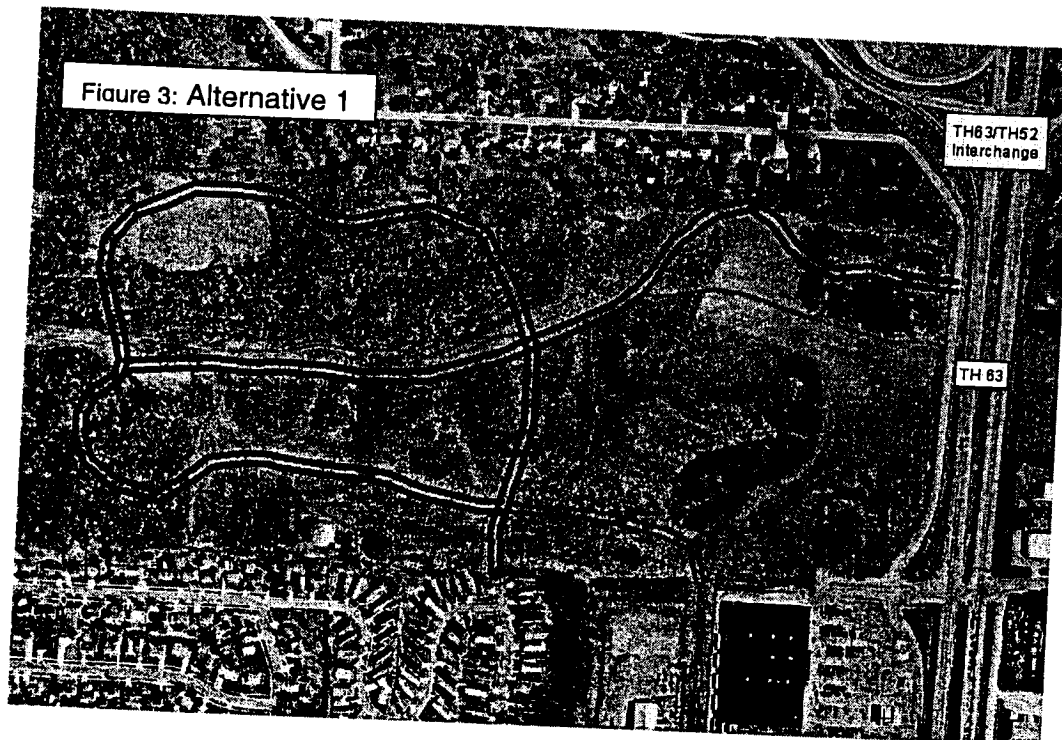
The discussion in the previous section identified

1. Impact to Willow Ridge Drive from development of areas D, E and G on the proposed General Development Plan
2. Need to increase the spacing between the proposed access points serving the commercial area along the Frontage Road to provide adequate, not minimum, stopping and decision sight distance. Spacing between access points should be a 225'.

Possible Options to reduce Impact to Willow Ridge Drive

Alternative 1:

1. Enterprise Drive is not constructed between the southeast corner of the site and Carlton St. Since this land is off-site, a public improvement project would have to be initiated to facilitate construction of the roadway. The existing ROW of Enterprise Drive and Carlton Street is 66' suitable for Major Local Street or just a Local Street.
2. As shown in the figure 3, the proposed road on the southeast side of development (ROW 66') may be extended to connect Enterprise Drive, SW.
3. The proposed private street (ROW 50') connecting the site with Willow Ridge Drive may be narrowed down to private street standards (20' roadway width). It may be even taken out from the proposed GDP.

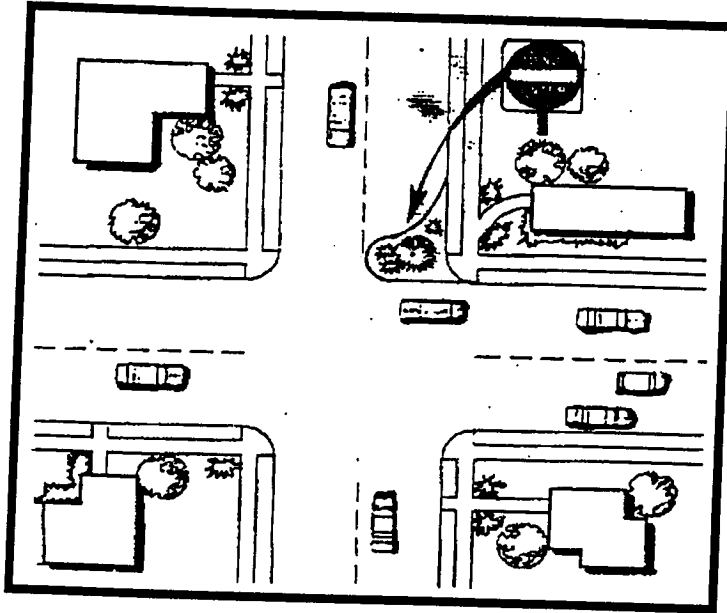


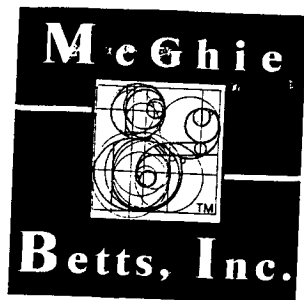
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Alternative 2:

1. A second alternative is to consider some traffic calming options on the extension of Willow Ridge Drive. One option as illustrated in figure 4 would permits only inbound/northbound traffic.

Figure 4: Half Closure





Rochester
Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

November 13, 2003

Ms. Mitzi Baker
Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

RE: Spring Brook Valley Subdivision

Dear Ms. Baker:

On behalf of our client, Tom Hansen, Copar Companies, we are submitting several map edits as discussed during our meeting on Monday, November 3, 2003. These edits include:

1. Relocation of the public park site to "Area F" I have spoken with Denny Stotz about this change and size. I will be forwarding an adobe print of the park to him today.
2. Changing the name of Frontage Road to "33rd Street S.W."
3. Removing the driveway access along 33rd Street and replacing it with the text- "Future access along 33rd Street and the 66' R.O.W. will be reviewed at the time of platting.
4. Lengthen the 20' private street connecting to Willow Ridge Drive. S.W. and labeling it a "one-way northward access only"
5. Changing the main 66' loop road on the southern half of the project to show a continuous curve not a "T" intersection to Willow Ridge Drive S.W.
6. Recalculating the acreages and density to adjust for roadway and parkland requirements.
7. The previous GDP map showed 509 total units. The amended GDP now has 490 total proposed units.

If you have any questions, please contact us.

Sincerely,
McGhie & Betts Inc.

Kristi L. Clarke

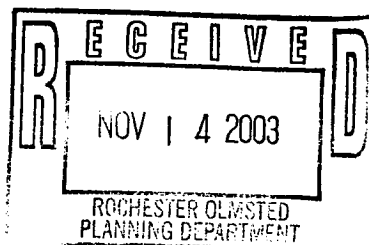
Kristi L. Clarke, AICP
Pc Tom Hansen, Copar Companies

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946



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Spring Brook Valley

GENERAL DEVELOPMENT PLAN

The Spring Brook Valley General Development Plan is approximately 94.14 acres bounded by Barony Woods and Southtown Heights, Southtown Second, and Neills Replat on the north, unplatted property to the west, Willow Heights Second Subdivision, Willow Ridge and Willow Center Subdivision on the south, and various commercial properties along the Frontage road to the east.

The following is a written summary of the General Development Plan (GDP) in accordance with Appendix B E-3.

- a) *Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations.*

Preliminary analysis of the soil conditions indicates the depth to bedrock will not be a concern when developing the property. Soil borings will be completed during the engineering phases to determine the exact subsurface conditions and the bedrock depth in the areas of construction. Steeper areas with higher erosion potential are being avoided as much as possible as indicated by the street alignments. Hydric soils as shown on the Olmsted County Soil Survey, and wetlands do exist on the property. The GDP indicates the approximate location of wetlands and it is the intent of the developer to do an actual surveyed delineation in the near future.

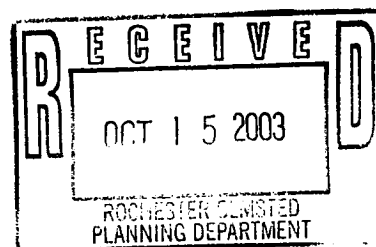
- b) *Storm drainage problems, which in the estimation of the applicant, may result in costs that will exceed normal storm drainage costs.*

The General Development Plan outlines seven small private storm detention ponds located along the stream or along natural drainageways. This will reduce the need for excessive piping to remove storm water flows to the natural low point of the site located in Area 'F' of the GDP. Section 'F' contains the largest storm detention pond and is located along the northern boundary of the site adjacent to a 40' drainage easement.

The storm drainage does not appear to cause problems that will result in the increase of normal storm drainage costs.

- c) *Identification of potential off-site drainage problems.*

The site will be served by on-site detention basins.



d) *Availability of utilities to serve the area under consideration.*

The development will connect to the existing watermain located within the Southtown Second Subdivision on the northern property boundary and then complete the loop to connect properties to the south of the GDP. The existing sewer trunkline that runs east and west along the center of the development will provide adequate sanitary sewer services of this development.

e) *Identification of possible erosion problems, which may arise in the estimation of the applicant.*

This site has moderate to very steep slopes, several delineated wetlands including a "Fen" and a stream flowing west to east in the site with a 30' corridor of wetlands. The wetlands and very steep slopes have all been excluded from this development as noted in the acreage assessments within the 'Areas'. An Environmental Assessment Worksheet will be filed soon after the GDP is completed. These sensitive areas will become the highlight of the project creating views from east to west along the stream. The western third of the site will remain undeveloped as shown on the GDP.

The R-2 low density residential zoning will allow greater flexibility in housing types and styles to reduce the grading impacts and possible erosion problems to the more steep sloped areas within the buildable portions of the site.

The phasing plan outlines development starting with the commercial land along the eastern property boundary and working westward will help reduce the potential for erosion problems. Developing smaller pods and not disrupting the entire site by building all of the proposed public streets at once will reduce the overall impact to the site within any one construction season.

Where development encroaches into areas that may have steeper slopes, erosion control measures will be incorporated into the grading plan final design.

f) *A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.*

The first phase of the development will be in the eastern portion of this GDP along the Frontage road. Future phases will occur from the eastern boundary westward developing the low-density residential pods.

REQUEST FOR COUNCIL ACTION

MEETING
1-21-04

129

AGENDA SECTION: PUBLIC HEARING- Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
ITEM DESCRIPTION: Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow. The applicant is requesting approval to convert the garage on the property into 2 living units for rental. The property is located along the east side of Marion Road and south of 16 th Street SE and has an address is 1600 Marion Road SE.		PREPARED BY: Brent Svenby, Planner

January 15, 2004

The applicant met with staff on Wednesday, January 14, 2004 regarding the application submitted. It was understood that the applicant would submit a letter requesting to withdraw his application for Restricted Development Preliminary Plan #03-57. At this time our office has not received this written request.

Distribution:

1. City Clerk
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Wednesday, January 21, 2004, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
5. Kim Portz Architect inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

130

REQUEST FOR COUNCIL ACTION

MEETING
1-05-04

AGENDA SECTION:

PUBLIC HEARING

ORIGINATING DEPT:

PLANNING

ITEM NO.

E-13

ITEM DESCRIPTION: Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow. The applicant is requesting approval to convert the garage on the property into 2 living units for rental. The property is located along the east side of Marion Road and south of 16th Street SE and has an address is 1600 Marion Road SE.

PREPARED BY:
Brent Svenby,
Planner

December 23, 2002

Planning Commission Recommendation:

The Rochester Planning and Zoning Commission considered this application at a public hearing on December 10, 2003.

The Planning Commission reviewed this request according to the applicable criteria and standards in the LDM. **The Commission is recommending denial to convert an accessory building into two more living units.** The Commission found that this request is not consistent with those criteria and adopted the findings to the criteria as written in the staff report.

Ms. Rivas moved to recommend denial of Type III, Phase II Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow based on staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 6-3 with Ms. Petersson, Mr. Ohly and Mr. Staver voting nay.

Council Action Needed:

1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying this request based upon the criteria included in the staff report.*

Attachment:

1. Staff Report dated December 1, 2003
2. Minutes from December 10, 2003 CPZC meeting

Distribution:

1. City Clerk
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 5, 2004, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

Council
SK
Plan.

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Langseth, Valori

From: AVERYTAG@aol.com

Sent: Sunday, December 28, 2003 7:15 AM

To: City Hall

Subject: (no subject)

We are asking for the support of the council members at the up coming meeting in regards to the Homestead Motel at 1600 Marion RD. southeast. We applied for a restricted development from planning and zoning as we was told from them it would be the way to approach this. We are requesting to remodel the existing garage to two sleeping rooms and a small laundry for our guests. Planning and zoning recommended to deny it because it would raise the density of the property to much, which I do not understand because a few years ago there was a restaurant operating from there. We have hired Kim Portz firm to do the blue prints and they say there is no problem. Please take the time to look into the minutes of the Planning and Zoning commission meeting as we already have several dollars invested and we feel there is a definite need for this addition. Thank you for the opportunity. Avery Tagtow

12/29/2003

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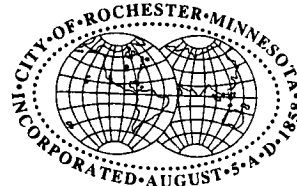
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



DATE: December 8, 2003

TO: Rochester Planning & Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

RE: Restricted Development CUP #03-57 by Clint & Shelly Tagtow

This Restricted Development application was reviewed as a request to convert an accessory building into two more living units as a multi-family use. Staff was contacted by the applicant on Monday December 8, 2003 and informed the property is a motel use, not multi-family. Despite this detail, staff recommendation remains a recommendation to deny the application.

The Rochester Zoning Ordinance and Land Development Manual (LDM) defines a motel as a "Transient Accommodation". Transient accommodations are not a permitted use in the R-1 district. Multi-family dwellings and Transient accommodations are both non-conforming uses in the R-1 District.

Furthermore, the LDM does include provisions for modifying non-conforming uses, through a Type III, Phase III hearing process (S. 65.320). This Section provides limitations to the types of modifications permitted, and does not permit an increase in intensity of the use. Specifically the number of residential units or floor area devoted to the public cannot be increased.



14 ST SE

14 ST SE

15 ST SE

CUP #03-57
Tagtow
900' Notification Distance
Ward 4 Stobaugh
11/18/03

17 ST SE

20 AVE SE

20 AVE SE

OAK CIR W
OAK CIR W

ACORN RD
ACORN RD

OAK CIR E
OAK CIR E

OAK TERRACE
OAK TERRACE DR SE

OAKDALE
OAKDALE RD DE
RD SE

OAKPARK
OAK PARK LN
LN SE

OAK GROVE
OAK GROVE CT
CT

OAKLEAF
OAKLEAF LN
LN SE

PARK LN SE
PARK LN SE

23 AVE SE

HIGHVIEW DR

HIGHVIEW DR

OVERLOOK DR
OVERLOOK DR

OAKVIEW DR

OAKVIEW DR

HIGHVIEW DR

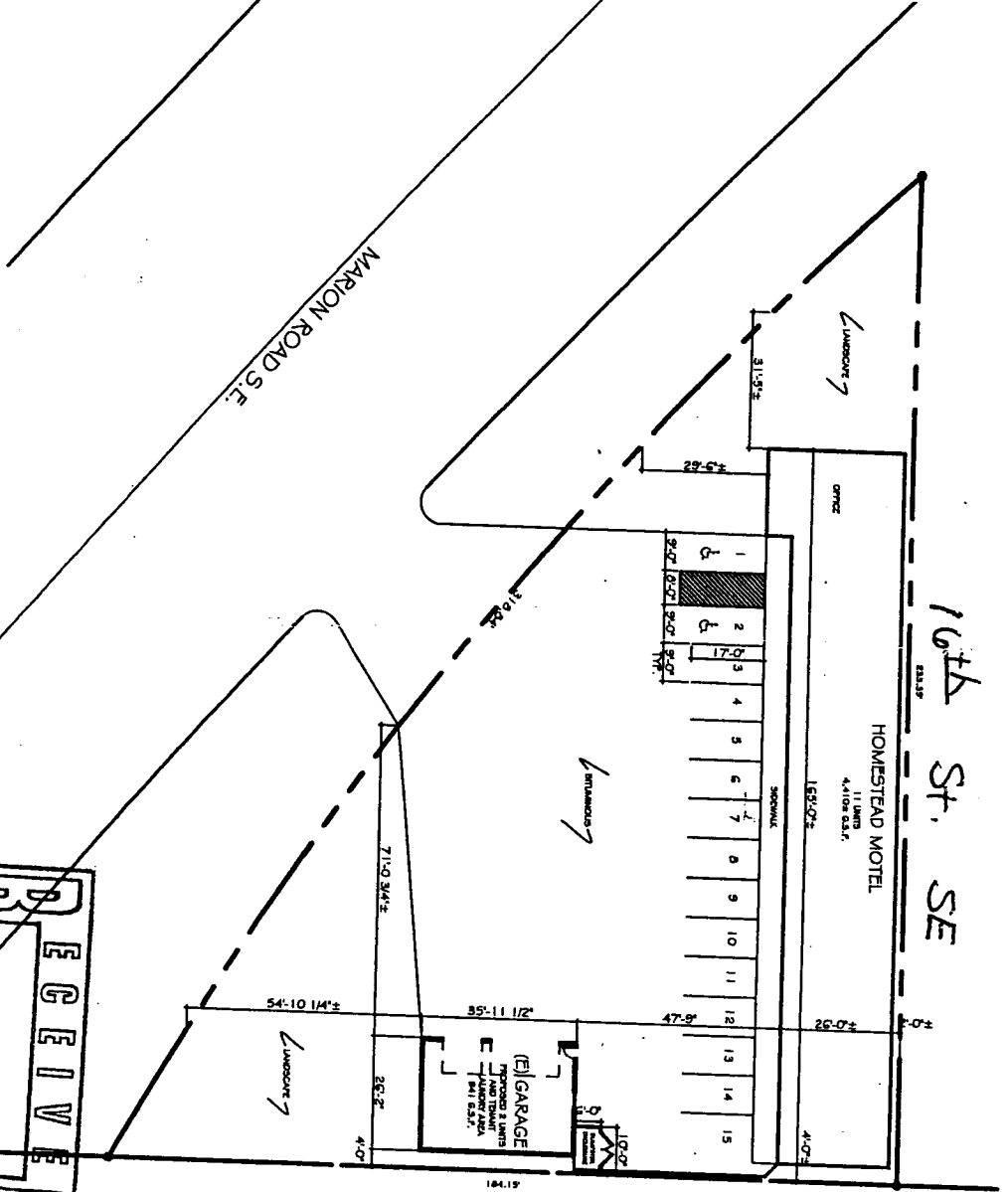
HIGHVIEW DR

134

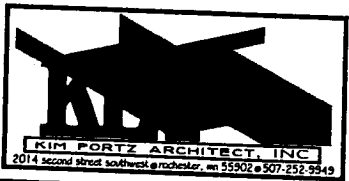
SITE DATA :

TOTAL AREA
 21,460 S.F. = 0.49 ACRES
 2,560 S.F. 11,000 S.F.
 5,400 S.F. 51,000 S.F.
 5,400 S.F. 51,000 S.F.
 5,400 S.F. 51,000 S.F.

ARCHITECTURAL SITE PLAN



design for:
 HOMESTEAD MOTEL
 1600 MARION ROAD S.E.
 ROCHESTER, MINNESOTA 55904



KIM FORTZ ARCHITECT, INC.
 2014 Second Street Southwest • Rochester, MN 55902 • 507-252-9949

DRAWN BY:
 PROJECT NO.
 DATE:
 REVISION DATE:

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.
 Print Name: _____
 Signature: _____
 Date: 09/25/03 Reg. No.: 16576

1 OF 1

BUILDING CODE DATA:

CODES IN EFFECT

Minnesota Building Code 2002
International Building Code 2000
International Fire Code 2000
International Mechanical Code 2000
International Plumbing Code 2000
National Electric Code 1999

BUILDING TYPE

TYPE V-B

AUTHORITY JURISDICTION

City of Rochester Building Department
City of Rochester Fire Department

CODE INFORMATION: HOMESTEAD MOTEL EXPANSION

I. BUILDING CLASSIFICATION (TABLE 3-A)
A. MOTEL: R-1

II. OCCUPANCY SEPARATION (TABLE 3-B)
A. NOT APPLICABLE

III. CONSTRUCTION TYPE
A. BUILDING GENERAL TYPE: V-B

IV. ALLOWABLE FLOOR AREA (TABLE 503)

A. TABULAR FLOOR AREA
I. GROUP R-1: V-B 7,000 S.F.

B. ALLOWABLE AREA INCREASES (SECTION 506)

$$A_s = A_t + \left[\frac{A_t I_1}{100} \right] + \left[\frac{A_t I_2}{100} \right]$$

A_s = Allowable area per floor (square feet)

A_t = Tabular area per floor in accordance with Table 503 (square feet)

I_1 = Area increase due to frontage as calculated in accordance with Section 506.2

I_2 = Area increase due to sprinkler protection (percent) as calculated in accordance with Section 506.3

$A_t = 7,000$ S.F. $F = 85'-3 \frac{1}{2}"$ $P =$ Building perimeter which fronts on an open space 20' wide min.

$I_1 = 36.6$ $F = 124'-3"$ $P =$ Perimeter of entire building

$I_2 = NA$ $W = 23'-10 \frac{1}{2}"$ $W =$ Minimum width of open space

TOTAL ALLOWABLE AREA: 9,562 S.F.

V. ACTUAL FLOOR AREA

A. EXISTING GARAGE: 941 G.S.F.

VII. OCCUPANT LOAD (ESTIMATED): 4.7 OCCUPANTS
(GUESTROOM AREAS: 200 GSF / OCC)
(LAUNDRY AREAS: ACCESSORY)

TOTAL = 4.7 OCCUPANTS

VIII. ALLOWABLE HEIGHT

A. ALLOWABLE HEIGHT (TABLE 503): 2 STORIES
B. ACTUAL HEIGHT: 1 STORY

IX. PLUMBING FIXTURES

A. FIXTURES REQUIRED (REF. CHAPTER 29, INTERNATIONAL PLUMBING CODE, & MINNESOTA BUILDING CODE)
ONE OF EACH FIXTURE PER GUESTROOM

X. PARKING REQUIRED:

A. HANDICAPPED
B. PARKING
(SEE ARCHITECTURAL SITE PLAN)
REQUIRED: SEE ZONING INFO.
PROVIDED: SEE ZONING INFO.

NOTES:

ALL FIRE EXTINGUISHERS TO BE:
3A40BC SLB, CERTIFIED AND PLACED
EVERY 50-LINEAL FEET.

INTERIOR WALL AND CEILING FINISHES
MORE THAN 1/2" IN THICKNESS
SHALL HAVE A MAX. FLAME SPREAD
INDEX OF 75-200 (CLASS I I I)

FIRE SINKERS THROUGHOUT BUILDING
AND INDEPENDENTLY CONTROLLED FOR
EACH TENANT SPACE

ZONING INFORMATION: (CITY OF ROCHESTER ORDINANCES)

I. GENERAL INFORMATION

A. ZONING DISTRICT:

B. RESTRICTED DEVELOPMENT:

R-1

TYPE III

DEVELOPMENT

II. APPEARANCE CONTROL STANDARDS (GROUP RESIDENTIAL CARE)

A. HOURS OF OPERATION:

B. EXTERIOR LIGHTING:

C. SIGN REGULATIONS:

D. LANDSCAPE MATERIAL POINT BASE:

E. EXTERIOR STORAGE REGULATIONS:

F. SITE LOCATION REQUIREMENT:

G. BUFFER/PAVING INDICATOR:

R

R

12

T

H

III. REQUIRED OFF-STREET PARKING

A. 1 PER SLEEPING UNIT (TRANSIENT ACCOMMODATIONS)

NOTES:

APPROXIMATE: SEE SITE PLANS.
BUILDING LOCATION WITH RESPECT
PROPERTY LINES:

North - 37'-4" from property line

East - 11'-4" from property line

South - 7'-2" from property line

West - 26'-3" from property line

MIXED USE DEVELOPMENT GUIDELINES, R-1 DISTRICT

MAXIMUM FLOOR AREA RATIO: 8%

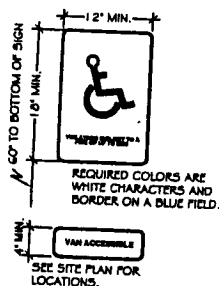
MINIMUM PERCENTAGE LANDSCAPE AREA:
50%

MAXIMUM LOT COVERAGE OF ALL BUILDINGS: (2)

MAXIMUM PERMITTED HEIGHT: 20'-0"

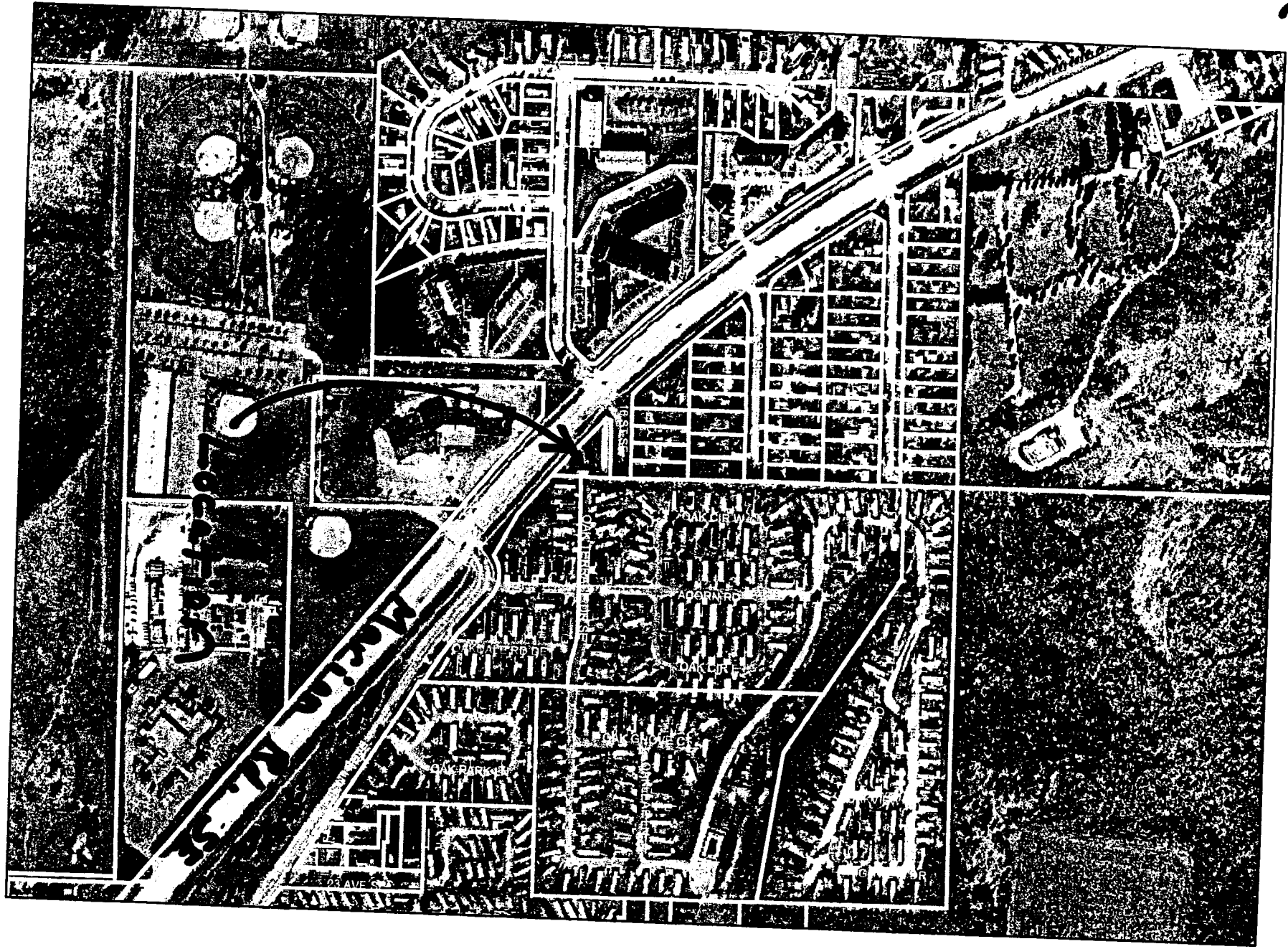
MINIMUM LOT SIZE: 12,500 S.F.

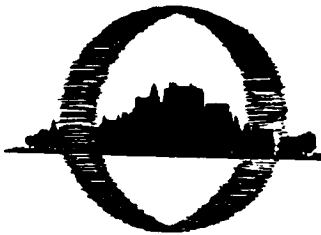
MINIMUM WIDTH AT BUILDING LINE:



4 SIGNAGE ELEVATION
N.Y.S.

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: City Planning & Zoning Commission

FROM: Gregory Wise, Planner

DATE: December 1, 2003

RE: Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow. The applicant is requesting approval to convert the garage on the property into 2 living units for rental.

Planning Department Review

Applicant: Clint and Shelly Tagtow
3427 Lake Street NW
Rochester, MN 55901

Property Location: The property is located along the east side of Marion Road and south of 16th Street SE and has an address is 1600 Marion Road SE.

Zoning: The property is zoned R-1 (Mixed Single Family Residential) on the City of Rochester Zoning map.

Adjacent Zoning:

South:	R-1 (Mixed Single Family Residential) across Marion Road – Longfellow School
West:	PUD (Planned Unit Development) across Marion Road - apartment buildings with R-3 type density.
North:	R-1 – Single family dwellings across 16 th Street SE.
East:	R-3 (Medium Density Residential) – Oak Terrace Manufactured Home Park

Summary of Proposal: The applicant is requesting approval to convert the garage on the property into 2 living units for rental.

Referral Agency Comments: **Rochester Public Utilities – Water Division, See attached**

Rochester Building Safety, See attached



Rochester Fire Dept., See attached

MNDOT has indicated that the proposal should have minimal impacts on MNDOT roadways.

Olmsted County Public Works Dept. has indicated that any changes to the driveway access requires an Olmsted County access permit.

Attachments:

Copy of Application
Location Map
Site Map
Aerial Photo of Vicinity
Referral Comments

EXPLANATION OF APPLICATION AND REVIEW PROCEDURE:

The applicant is proposing to convert an existing 26 feet x 36 feet (approximate), 940 square feet garage into two additional dwelling units and a laundry room for tenants. The property is the site of a former motel that has been converted into 11 apartments.

The Restricted Development allows certain mixtures of land uses which are not allowed within a given zoning district on a permitted or conditional basis can, if regulated, serve both the public interest and allow a more equitable balancing of private interests than that achieved by strict adherence to standard zoning regulations. The regulations of this article recognize and provide encouragement for innovation and experimentation in the development of land that would otherwise not be possible under the zoning district regulations established by this ordinance.

CRITERIA & ANALYSIS:

Sections 62.706 and 62.708 (1) of the Zoning Ordinance set forth the standards upon which a Restricted Development Preliminary Plan is to be evaluated. The Council shall approve a preliminary plan if it finds that the development has addressed and satisfied all of the applicable criteria, or that a practical solution consistent with the public interest can be incorporated into the final plan. Please see the attached excerpt from the Rochester Zoning Ordinance and Land Development Manual for the applicable criteria.

The staff suggests the following findings for each of the 11 criteria on which the Preliminary Development Plan is to be evaluated:

- a) **Capacity of Public Facilities:** *City sewer and water, and other utilities currently serve the site. A separate water service must be provided to the building if approved.*

- b) **Geologic Hazards:** *There are no known geologic hazards on the property.*
- c) **Natural Features:** *There are no unique natural features on the property that have been identified.*
- d) **Residential Traffic Report:** *Access to the garage will be provided via the driveway serving the apartment building on the property which has access to Marion Road SE. The additional traffic will be minimal, approximately 12 trips/day.*
- e) **Traffic Generation Impact:** *The anticipated traffic will not cause the capacity of the adjacent streets to be exceeded. Marion Road is considered to be an "Expressway" on the current Thoroughfare plan.*
- f) **Height Impacts:** *This development should not impact the adjacent properties.*
- g) **Setbacks:** *The garage is setback four feet from the east lot line, which is shared with the Oak Terrace Manufactured Home Park and is approximately 47 feet from the right of way of Marion Road SE. The building appears similar to a standard residential garage. Accessory buildings are allowed to encroach into the minimum required rear yard (along the east lot line), whereas, principal buildings must be located in the "buildable area" of the lot.*
- h) **Internal Site Design:** *Access to the building is provided via the driveway and parking area serving the existing apartment building. The property has approximately 24% landscape area, mainly in the northwest corner and the southeast corner of the property.*
- i) **Screening and Buffering:** *There is little room for screening on the east side of the building to be converted, since the building is only four (4) feet from the east lot line.*
- j) **Ordinance Requirements:** *The proposed development includes adequate amounts of off-street parking and loading areas*
- k) **General Compatibility:** *The proposed use of the site does not significantly change the appearance of the property. The character of the surrounding neighborhood should not be affected significantly by this proposed use. However, the 0.49-acre parcel currently has a dwelling density of 22.4 dwelling units per acre. This density would be comparable to that allowed for a two-story apartment building located in the R-3 Zoning District (maximum 24.23). The addition of two more dwellings units would cause the dwelling density to be 26.5 dwelling units per acre. Furthermore, the provided landscape area (23.8%) is less than that required for a two-story building in the R-3 District (40% required).*

Furthermore, an accessory structure for the use of residents of the apartments and for the maintenance of the property seems to be a reasonable use for the existing building.

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STAFF RECOMMENDATION:

Staff has reviewed this request in accordance with the applicable standards and provisions, as included in this report. Based upon staff review and the analysis included above, staff recommends denial of this application.

Excerpt from the Rochester Zoning Ordinance & Land Development Manual

- 62.706 **Standards for Approval, Preliminary Development Plan:** The Council shall approve a preliminary development plan if it finds that the development has addressed and satisfied all the criteria listed in Paragraph 62.708(1), or that a practical solution consistent with the public interest can be incorporated into the final development plan, or a modification for unmet criteria has been granted as provided for in Paragraph 62.712.
- 62.708 **Criteria for Type III Developments:** In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:
- 1) **Preliminary Development Plan Criteria:**
 - a) **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development.
 - b) **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., have been identified and the development of these areas has been taken into account or will be addressed in the Phase II plans.
 - c) **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
 - d) **Residential Traffic Impact:** When located in a residential area, the proposed development:
 - 1) Will not cause traffic volumes to exceed planned capacities on local residential streets;
 - 2) Will not generate frequent truck traffic on local residential streets;
 - 3) Will not create additional traffic during evening and nighttime hours on local residential streets;
 - e) **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
 - f) **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development. Factors to consider include:

- 1) Will the structure block sunlight from reaching adjacent properties during a majority of the day for over four (4) months out of the year;
 - 2) Will siting of the structure substantially block vistas from the primary exposures of adjacent residential dwellings created due to differences in elevation.
- g) **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.
- h) **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
- i) **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, noise or glare exceeding permissible standards, potential safety hazards, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
- j) **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.
- k) **General Compatibility:** The relationship of the actual appearance, general density and overall site design of the proposed development should be compared to the established pattern of zoning, the character of the surrounding neighborhood and the existing land forms of the area to determine the general compatibility of the development with its surroundings.

**Rochester Building
Safety Department**

Memo

To: Jennifer Garness, Planning Department

From: Kenneth Heppelmann

CC: Clint & Shelly Tagtow
Kim Portz Architect, Inc.

Date: November 13, 2003

Re: Restricted Development Plan #03-57

The above referenced restricted development plan appears to indicate a change of use of an existing building. A change of use of an existing building will require building permits and the building will be required to meet the building code requirements for the occupancy that is assigned to it. Depending on whether the occupants of the building are transient in nature or primarily permanent in nature the occupancy classification could be R-1 regulated by the 2000 International Building Code, or R-3 regulated by the 2000 International Residential Code. Complete plans and specifications are required to be submitted for the building permits prior to construction.

Some of the building code issues that may be encountered are:

- Frost depth foundations – If the existing structure was built with a floating concrete slab, frost depth (42 inches) foundations must be provided.
- Location on property – Depending on the type of occupancy, as noted in the first paragraph, walls with a fire separation distance of less than 5 feet may be required to have a one-hour fire resistance rating.
- Accessibility – Depending on the type of occupancy, as noted in the first paragraph, accessibility might have to be provided to and within the units.
- Energy Code – The unheated concrete slab must be insulated around the perimeter from the top of the floor slab down to frost depth or to the top of the footing, whichever is less.
- Energy Code – Energy calculations must be submitted showing that the exterior envelope of the building meets the requirements of the energy code.
- Structural – A structural evaluation must be provided by a design professional, showing that the structure is capable of supporting the snow and wind loads as required.

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This is a summary of some of the code issues that may be encountered. There are other code requirements that will have to be complied with and will be required to be shown on the plans. A more complete list of requirements will be provided after a permit is applied for, plans are submitted and a plan review is completed.

Please let me know if you have any questions or concerns.



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 13, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow. The applicant is requesting approval to convert the garage on the property into 2 living units for rental. The property is located along the east side of Marion Road and south of 16th Street and has an address is 1600 Marion Rd SE.

With regard to the above noted project plan, the fire department has the following requirements:

1. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
 2. The building and all required remodeling shall meet the minimum requirements of the Rochester Building and Fire Codes for a R1 occupancy.
- c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
Clint & Shelly Tagtow
Kim Portz Architect, Inc

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12/03/03

Regarding:

Restricted Development Preliminary Plan #03-57, by Clint and Shelly Tagtow.

As a resident of 15th street, I am opposed to this proposed plan. The area is zoned R-1.

I have lived on this street for 27 years and feel to alter the zoning of the area from single family status would be detrimental to the area.

I do not oppose rental property. My street has had multiple houses as rentals in the years I have lived here. I am familiar with renters and the differences between short term and long term neighbors.

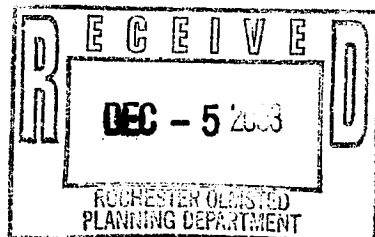
I am opposed to the prospect that the lots in the area will become over crowded with multiple dwellings, such as this plan is proposing.

I am sorry I have to speak up against the plans of a neighbor. I am sure they feel this is a good idea. But I do not feel that way.

Sincerely,



Richard T. Westlund
2056 15th St. SE
Rochester, MN.
289-2538



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12/06/03

Regarding: Restricted Development Preliminary Plan #03-57 by Clint & Shelly Tagtow

As a resident of 15th Street I am opposed to this proposal plan because the area is zoned R-1.

I have been a resident on 15th Street for around 30 years and the area is zoned R-1 and to change that would be detrimental to the area.

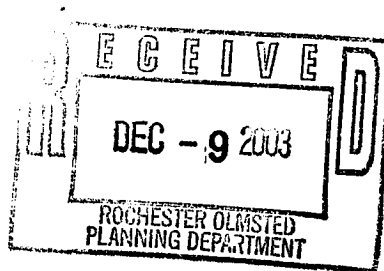
Our street has multiple houses as rental units. Since I have lived here I see the difference between renting a house and owning one.

I am upset that the Tagtow's think they can take a garage and make a rental unit out of it. I am greatly opposed to the plan.

Sincerely,



David Rich
2107 15th Street SE
Rochester, MN 55904



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- A. A Bufferyard Indicator of VII shall be used when screening the proposed use from the adjacent properties.
- B. Allow wall signage to have internal lighting.
- C. Only allow wall signage on the north wall of the building.
2. No exterior storage of materials and equipment.
- ~~3. Any future change of use or expansion of the proposed use will require review through the Type II process.~~
4. Project must comply with referral requirements of Rochester Public Works, dated November 26, 2003, and Rochester Fire Department, dated November 26, 2003.
5. The location of the future garage, as identified on the site plan, must be located outside all utility easements and required bufferyards.
6. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
7. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

* Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow. The applicant is requesting approval to convert the garage on the property into 2 living units for rental. The property is located along the east side of Marion Road and south of 16th Street SE and has an address is 1600 Marion Road SE.

Mr. Brent Svenby presented the staff report, dated December 1, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that, when the staff report was written, staff had the impression that the motel was used as a multi-family apartment building. However, the applicant contacted them and indicated that it is still used as a motel. Despite this detail, staff is still not recommending approval of the application.

Ms. Wiesner asked if rezoning the property would allow them to do this.

Mr. Svenby stated that the rezoning criteria would need to be reviewed.

Ms. Baker explained that staff compared the site to a property if it were zoned R-3. It did not comply with the development standards. Therefore, to intensify the use would be contrary to the Ordinance.

Ms. Wiesner asked if it would work in the B-5 zoning district.

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Ms. Baker responded that it did not allow the use.

Ms. Petersson asked if the applicant could apply for a variance.

Ms. Baker responded that the Commission would have to act on the application before them.

Mr. Burke asked if removing the structure to build it to code would have a bearing on the application.

Mr. Svenby responded no, as they would still be increasing the intensity and use of the site. It would also be non-conforming. Transient accommodations are not permitted in the R-1 zoning district. A section of the Ordinance prohibits non-conforming uses to increase the number of residential uses if the property is non-conforming.

Ms. Petersson asked if a variance would be possible.

Mr. Svenby responded that a variance cannot be made for a use.

Ms. Petersson asked if a conditional use permit would allow them this type of use.

Mr. Svenby responded that they are requesting a conditional use permit at this time (restricted development).

Mr. Avery Tagtow, of 3427 Lake Street NW, Rochester MN, addressed the Commission. He stated that his family purchased this site (Homestead Motel) in February. He stated that there was a restaurant located there before they purchased it. He indicated that he thought a restaurant would increase the intensity of the building more than what he is trying to accomplish. He explained that they upgraded the property and feel that there is a need for the extra accommodations, especially the laundry room and two sleeping areas.

Mr. Collin Tinsley, of 812 14th Avenue NE, Rochester MN, addressed the Commission. If the City Council would take rezoning to the R-3 zoning district by their own motion, they would be agreeable with two caveats. They would not be increasing the footprint. The existing building encroaches into what would be the required setbacks for the R-3 zoning district. They would like to have the existing buildings remain. They would also ask that the required 40 percent landscape area be reduced to a Type I Design Modification standard.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Rivas asked if an accessory building could be converted into a service area without having a zone change.

Ms. Baker responded that the non-conforming use section of the Ordinance does address modifications to non-conforming uses. It specifically prohibits the intensification of the use with regard to adding dwelling units or space dedicated to the public.

Ms. Petersson stated that the space would only be used for the tenants and staff.

Mr. Wheeler stated that the County Ordinance allowed the restaurant use on that property previously.

Mr. Dockter moved to recommend denial of Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow with the staff-recommended findings. Mr. Quinn seconded the motion.

Ms. Petersson stated that she would like to find a way to allow the use.

Ms. Wiesner agreed, but they couldn't based on the Zoning Ordinance.

Mr. Staver stated that Criteria K, listed in the staff report, pertains to general compatibility. It seems compatible to what is occurring on the property, but it is not allowed in the zoning district.

The motion to deny carried 6-3, with Ms. Petersson, Mr. Ohly, and Mr. Staver voting nay.

Mr. Wheeler stated that the Commission could initiate a zone change for the property.

Ms. Baker stated that there is an R-3 zoning district adjacent to the property. There would be more staff support for the R-3 zoning district. If there is a means for them to do a design modification, staff can look at that. Another alternative is that they can go through an Incentive Development Conditional Use Permit. It seems as though they have been upgrading the property. Perhaps they would need to intensify their landscaping.

Mr. Wheeler suggested that the Commission wait to see how the City Council acts on the current request.

Zoning District Amendment #03-23 AND General Development Plan #220 by Kelly and Kristi Madson. The applicants are proposing to re-zone property at 4006 Highway 14 East from H (Holding) to B-4 (General Commercial) to facilitate expansion of commercial land uses currently occupied by Bob's Construction and rental storage buildings. The property includes approximately 7.94 acres of land and is located east of 40th Ave. SE and south of TH 14 East.

Ms. Mitzi A. Baker presented the staff report, dated December 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

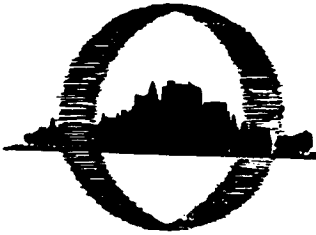
Mr. Josh Johnson, of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant agrees with the staff-recommended conditions. He stated that they would work with MnDOT when it comes to the access onto 40th Avenue.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of Zoning District Amendment #03-23 by Kelly and Kristi Madson with the staff-recommended findings. Mr. Ohly seconded the motion. The motion carried 9-0.

Mr. Burke moved to recommend approval of General Development Plan #220 by Kelly and Kristi Madson with the staff-recommended findings and conditions. Mr. Ohly seconded the motion. The motion carried 9-0.

CONDITIONS:

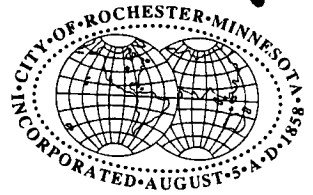


ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



DATE: December 30, 2003
TO: Rochester Common Council
FROM: Mitzi A. Baker, Senior Planner
RE: Restricted Development #03-57 (Tagtow/Tic Toc Motel)
Variance for Construction of Garage

Attached is a Variance from 1991, for the construction of the accessory building currently requested for conversion into two rental units.

A Variance to setbacks was approved to permit the construction of a 26' X 36' detached garage to be used for the storage of equipment and supplies for the motel on the property.

Please note that this Variance was reviewed under a previous Ordinance (pre 1992).



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ZONING BOARD OF APPEALS
City of Rochester, Minnesota

V A R I A N C E R E S O L U T I O N

Variance Request #91-15 (Lawrence Davis)

WHEREAS, an application has been filed on behalf of the owners of the premises known as: All that part of Lot 4, Block 3, DeWitt's Subdivision, Olmsted County, Minnesota, described as follows: Commencing for a place of beginning at a point in the East line of said Lot 4, which is 213 feet south of the NE corner thereof and running thence south along the east line of said Lot 184.15 feet to the northerly right of way line of Trunk Highway 20 and 52, thence northwesterly along said right of way line 318.84 feet thence east parallel with the north line of said Lot 233.39 feet to the place of beginning, excepting and reserving the northerly 33 feet thereof for roadway purposes asking the Zoning Board of Appeals of the City of Rochester to grant a variance to the provisions of Paragraph 62.107 of the Zoning Code (Ordinance No. 1659, as amended) to permit the construction of a garage that would encroach into the required side yard and would allow an expansion of a nonconforming use on property known as the Homestead Motel and zoned R-1 (Single Family Residential) and located at 1600 Marion Road SE

WHEREAS, the matter of such variance has been reviewed by the Zoning Administrator and he has submitted his report to the Zoning Board of Appeals in the Commissioners Board Room, located at the Olmsted County Courthouse, 515 2nd Street SW, Rochester, MN, at 7:00 p.m. on August 7, 1991, at which hearing all interested persons were given the opportunity to be heard.

NOW, THEREFORE, be it resolved by the Zoning Board of Appeals of the City of Rochester as follows:

FINDINGS OF FACT AND CONDITIONS:

The premises at 1600 Marion Road SE is located in the R-1 (Single Family Residential) Zoning District.

EXCEPTIONAL CIRCUMSTANCES: There would appear to be exceptional circumstances that would apply to this property that might not apply generally to other properties in the same zoning district and vicinity. The property consists of a non-conforming structure with a non-conforming use on a lot. The motel building is only two (2) feet from the east lot line according to the applicant. In addition, the Oak Terrace Mobile Home Park is directly to the east of the applicant's property. It was noted that other properties appear to be closer to the line also.

NATURAL CAUSES: The alleged difficulty or hardship has resulted from the applicant's request to build an accessory structure that would be an expansion of a non-conforming use and would not meet the interior side yard requirement in the Zoning Ordinance.

PRESERVATION OF PROPERTY RIGHTS: The granting of this variance would not appear to be necessary to preserve the property rights of the applicant which would be similar to the property rights of other property owners in the same

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zoning district and vicinity. This would be considered an expansion of a non-conforming use. It was noted that if this request was viewed from the standpoint of the business, this variance may be necessary for the enjoyment of the property.

ABSENCE OF DETRIMENT: The granting of this variance might impair the intent of the Zoning Ordinance in regards to the expansion of a non-conforming use to another part of the lot.

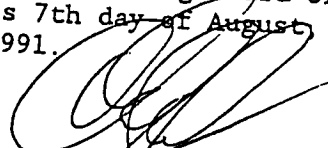
GENERAL NATURE: This variance request would not appear to be general or recurrent in nature.

Mr. DeWitz made a motion to approve Variance Request #91-15 for both variances, seconded by Mr. Treichel. The motion carried 5-0.

CONCLUSION:

The provisions of the Zoning Code are hereby varied as to the aforesaid premises to the extent necessary to permit the construction of a garage that would encroach into the required side yard and would allow the expansion of a nonconforming use on property known as the Homestead Motel and zoned R-1 (Single Family Residential) and located at 1600 Marion Road SE according to the plans therefore dated "Received July 5, 1991, Department of Planning and Housing, Olmsted County".

Passed and adopted by the Zoning Board of Appeals of the City of Rochester, Minnesota, this 7th day of August, 1991, and becomes effective on the 12th day of August, 1991.

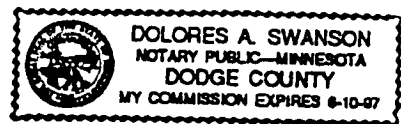


President of said Zoning Board of Appeals

Attest: Gregory A. Wise
Secretary, Zoning Administrator

Subscribed and sworn to before me this 10th day of September, 1991.

Dolores A. Swanson
Notary Public



DISTRIBUTION:

City Clerk (Original) (Certified Copy) (Copy of Staff Report)
City Attorney (Certified Copy) (Copy of Staff Report)
Zoning Administrator (Certified Copy)
Applicant (Certified Copy)

DECISION OF ZONING BOARD OF APPEALS - VARIANCE

Filed in the office of the City Clerk this 11th day of Sept, 1991.

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COUNTY OF
Olmsted



ROCHESTER OLMSTED
PLANNING AND HOUSING

2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION 507/285-8232

PLANNING 507/285-8232

HRA 507/285-8224

TO: Rochester Zoning Board of Appeals
FROM: Gregory A. Wise, Planner
DATE: July 31, 1991
RE: Variance Request #91-15

Planning and Housing Department Review:

Applicant:

Lawrence Davis
2132 - 8th Ave. NE
Rochester, MN 55906

Location of Property:

1600 Marion Rd. SE (Homestead Motel) located
on the corner of Marion Rd. SE and 16th St.
SE.

Requested Action:

The applicant is requesting a variance to
allow for the construction of a garage that
would encroach into the required interior
side yard upon the property. Furthermore,
the applicant is requesting a variance to
allow the limited expansion of a
non-conforming use by adding an accessory
structure.

Zoning:

R-1 (Single Family Residential) District

Referral Agency Comments:

None to Date

Analysis:

The applicant is requesting a variance to allow for the construction of a 26
foot x 36 foot detached garage upon the property where the Homestead Motel is
currently situated. The proposed garage would be used for the storage of
equipment and supplies for the motel on the property. The property consists
of a triangular shaped lot at the corner of Marion Road SE and 16th Street
SE.

Since motels are not a permitted use in the R-1 (Single Family Residential)
District, the Homestead Motel is a non-conforming use. According to Paragraph
62.601 of the Rochester Zoning Ordinance, "a non-conforming use of land shall

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not be moved in whole or part to any portion of the lot or parcel other than that occupied by such use at the date such use became non-conforming." Because the proposed garage would be accessory to the motel, the construction of the garage would be considered to be an expansion of the non-conforming use to another portion of the lot. A variance to Paragraph 62.601 would be necessary before the garage could be built.

Furthermore, since the applicant is requesting to build the detached garage in the lot along Marion Road SE (the motel is situated along the north side of the property along 16th Street SE), the garage would be required to meet all the same yard requirements as a principal building on the lot according to Paragraph 62.107c of the Rochester Zoning Ordinance. This would include the interior side yard requirements in the Zoning Ordinance.

According to Table 6 of Section 66.400 of the Rochester Zoning Ordinance, the interior side yard requirement for structures other than dwellings is 12 feet. The applicant is requesting to construct the garage 4 feet off of the interior side lot line to the east. A variance of 8 feet to the minimum required interior side yard would be required.

PLANNING AND HOUSING DEPARTMENT SUGGESTED FINDINGS:

EXCEPTIONAL CIRCUMSTANCES: There would appear to be exceptional circumstances that would apply to this property that might not apply generally to other properties in the same zoning district and vicinity. The property consists of a non-conforming structure with a non-conforming use on a lot. The motel building is only two (2) feet from the east lot line according to the applicant. In addition, the Oak Terrace Mobile Home Park is directly to the east of the applicant's property.

NATURAL CAUSES: The alleged difficulty or hardship has resulted from the applicant's request to build an accessory structure that would be an expansion of a non-conforming use and would not meet the interior side yard requirement in the Zoning Ordinance.

PRESERVATION OF PROPERTY RIGHTS: The granting of this variance would not appear to be necessary to preserve the property rights of the applicant which would be similar to the property rights of other property owners in the same zoning district and vicinity. This would be considered an expansion of a non-conforming use.

ABSENCE OF DETRIMENT: The granting of this variance might impair the intent of the Zoning Ordinance in regards to the expansion of a non-conforming use to another part of the lot.

GENERAL NATURE: This variance request would not appear to be general or recurrent in nature.

Attachments:

1. Location Map
2. Copy of Application and Attached Letter
3. Copy of Applicant's Site Plan

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R. CEIVED

JUL 5 1991

To: Zoning Board

ROCHESTER / OLMSTED
DEPT. OF PLANNING & HOUSING

I am respectfully requesting a variance from the zoning code paragraph 62-107c for the following reasons: (see attached map)

1. I am currently using this triangular piece of property as a park area for my guests that stay at the Homestead Motel. By placing the proposed garage 12 feet from the east line the park area would be divided. This being the case, it would make it impossible to see children playing on the swing set from all the rooms. The closer to the east line that the garage could be built would make the park area more visible from every room. A reasonable distance would be four feet from the east line. I have had guests comment on how nice it was to be able to see their children playing while they were in or near their rooms. The hardship should be quite apparent in that I would lose customers if the garage was built 12 feet from the east line.
2. The motel is set approx 2 feet from the east line and is located on the north line. I've checked the buildings (Houses, garages, etc.) to the north of this property on 16th St. and 15th St, and they are all set very close to the east line.
3. The east line where the garage would be is located next to Oak Terrace Trailer Park. There is a 12 foot tall hedge row approx. 6 feet from east line. The area farther east is a dry run of approx. 30 feet.

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4. I would comply with all building and fire codes especially a firewall on the east side of the garage.
 5. Being a grandparent myself, I am very concerned about the safety and supervision of young children.

RECEIVED

JUL 5 1991

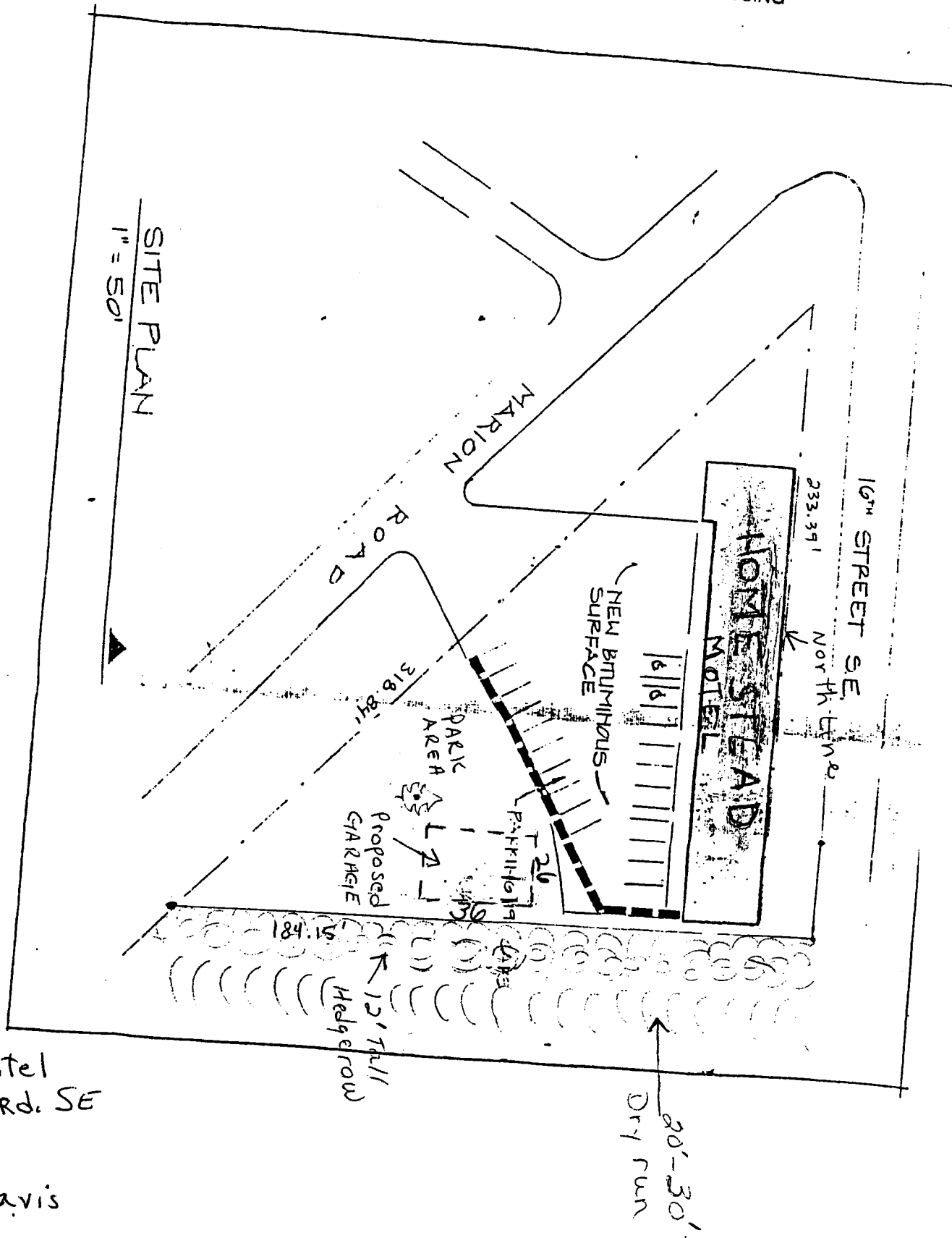
ROCHESTER / OLMSTED
DEPT. OF PLANNING & HOUSING

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RECEIVED

JUL 5 1991

ROCHESTER / OLMSTED
DEPT. OF PLANNING & HOUSING



Homestead Motel
1600 Marion Rd. SE
Rochester, Mn.
owners:
Lawrence Davis

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district and vicinity. The applicant could have applied for a Conditional Use Permit to park within eight (8) feet of the front property line, and if approved, could have landscaped this 8 foot area. The applicant could then have constructed a 6 foot fence at the 8 foot setback from the front lot line.

ABSENCE OF DETRIMENT: This variance request would appear to be detrimental to the intent of the Rochester Zoning Ordinance. The applicant could have applied for a Conditional Use Permit to park within eight (8) feet of the front property line, and if approved, could have landscaped this 8 foot area. The applicant could then have constructed a 6 foot fence at the 8 foot setback from the front lot line.

GENERAL NATURE: This variance request would not appear to be general or recurrent in nature.

Mr. Treichel made a motion to approve Variance Request #91-14, seconded by Mr. DeWitz. The motion carried 5-0.

Variance Request #91-15 by Lawrence Davis to permit the construction of a garage that would encroach into the required side yard on property known as the Homestead Motel and zoned R-1 (Single Family Residential) and located at 1600 Marion Road SE

Mr. Lawrence Davis, the applicant, stated that this property is zoned R-1 and he has a triangular piece of property. If the garage is set 12' out, Rooms 10 and 11 could not see the swing sets; on the other side of the line there is a 12' high hedge. He noted that on 14th, 15th, and 16th Streets every building is right on that fence row.

Mr. Lancaster asked what he meant by "dry run".

Mr. Davis responded that water runs in this area only when it rains.

No else wished to speak in favor of or in opposition to the request. Mr. DeWitz made a motion to close the public hearing, seconded by Mr. Treichel. The motion carried 5-0.

EXCEPTIONAL CIRCUMSTANCES: There would appear to be exceptional circumstances that would apply to this property that might not apply generally to other properties in the same zoning district and vicinity. The property consists of a non-conforming structure with a non-conforming use on a lot. The motel building is only two (2) feet from the east lot line according to the applicant. In addition, the Oak Terrace Mobile Home Park is directly to the east of the applicant's property. It was noted that other properties appear to be closer to the line also.

NATURAL CAUSES: The alleged difficulty or hardship has resulted from the applicant's request to build an accessory structure that would be an expansion of a non-conforming use and would not meet the interior side yard requirement in the Zoning Ordinance.

PRESERVATION OF PROPERTY RIGHTS: The granting of this variance would not appear to be necessary to preserve the property rights of the applicant which would be similar to the property rights of other property owners in the same zoning district and vicinity. This would be considered an expansion of a

non-conforming use. It was noted that if this request was viewed from the standpoint of the business, this variance may be necessary for the enjoyment of the property.

ABSENCE OF DETRIMENT: The granting of this variance might impair the intent of the Zoning Ordinance in regards to the expansion of a non-conforming use to another part of the lot.

GENERAL NATURE: This variance request would not appear to be general or recurrent in nature.

Mr. Livingston noted that the Board is considering 2 variances.

Mr. DeWitz made a motion to approve Variance Request #91-15 for both variances, seconded by Mr. Treichel. The motion carried 5-0.

The Board decided to hear the following items simultaneously.

Variance Request #91-16 by Frank Leary to permit a screened-in porch to encroach into the required rear yard on property located at 4888 SW Tee Court and zoned R-2 (Low Density Residential).

Variance Request #91-22 by Bernard Nesler to permit a screened-in porch to encroach into the required rear yard on property located at 4910 SW Tee Court and zoned R-2 (Low Density Residential).

Mr. Frank Leary, the applicant, stated that he has been struck by golf balls and also balls land on the porch. They would like to screen the porch for safety reasons.

Mr. Nesler, the applicant, 4910 Tee Court SW, stated that he too incurs the same problems as Mr. Leary. He noted that they will be using the same architectural plan, although the Nesler's encroach 10 feet and the Leary's encroach only nine feet.

Mr. Peterson asked if there were other condos that would be experiencing the same problems.

Mr. Nesler noted that their condo is right in the line of fire, the other condos are not in the line.

No one else wished to speak in favor of or in opposition to the request. Mr. Peterson made a motion to close the public hearing, seconded by Mr. Henderson. The motion carried 5-0.

Mr. Lancaster noted that they are discussing two requests, but there is a one foot difference, one being 9 foot and the other being 10 foot. There is no difference with the information.

Exceptional Circumstances: An exceptional or extraordinary circumstance applying to the property that would not apply generally to others in the same district is that the property is adjacent to a golf course and in this instance presents a potential safety hazard.

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1-21-04

161-

AGENDA SECTION:
PUBLIC HEARINGS

ORIGINATING DEPT:
PLANNING

ITEM NO.

E-4

ITEM DESCRIPTION: Final Plat #03-46 to be known as Waters Subdivision

PREPARED BY:
Brent Svenby,
Planner

January 15, 2004

Planning Department Review:

See attached staff report dated January 15, 2004 recommending approval subject to the following conditions:

1. *The Final Plat Documents shall include dedication of controlled access along the entire frontage of 7th Street NW; except for access locations approved through the General Development Plan review process for the property. If only one access is permitted, cross access easements must be recorded prior to or concurrent with the Final Plat documents, which provide for the joint access location, and long-term maintenance obligations.*
2. *Prior to recording the final plat documents, the E911 Addressing and GIS Impact fees shall be paid as specified in the attached memorandum from the Planning Department GIS/Addressing staff dated January 2, 2004.*
3. *The Final Plat documents shall include utility easements for the existing electrical distribution facilities, water main and fire hydrant existing on the property. Rochester Public Utilities shall approve the width of the easements.*
4. *Grading and Drainage Plan approval is required prior to additional development on the property and a Storm Water Management Charge will be applicable for any increase in impervious surface associated with additional development.*
5. *Prior to the recording of the final plat documents, all building code issues raised by the creation of the property line through the existing building shall be resolved to the satisfaction of the Rochester Building Safety Department.*

Council Action Needed:

1. *A resolution approving the plat can be adopted.*

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Wednesday, January 21, 2004 in the Council Chambers at the Rochester / Olmsted County Government Center.
5. McGhie & Betts, inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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19 ST NW

19 ST NW

20 ST NW

20 AVE NW

19 AVE NW

OPPORTUNITY RD NW

EVERGREEN DR NW

VALLEYHIGH DR NW

SCHUSTER LN NW

15 ST NW

14 ST NW

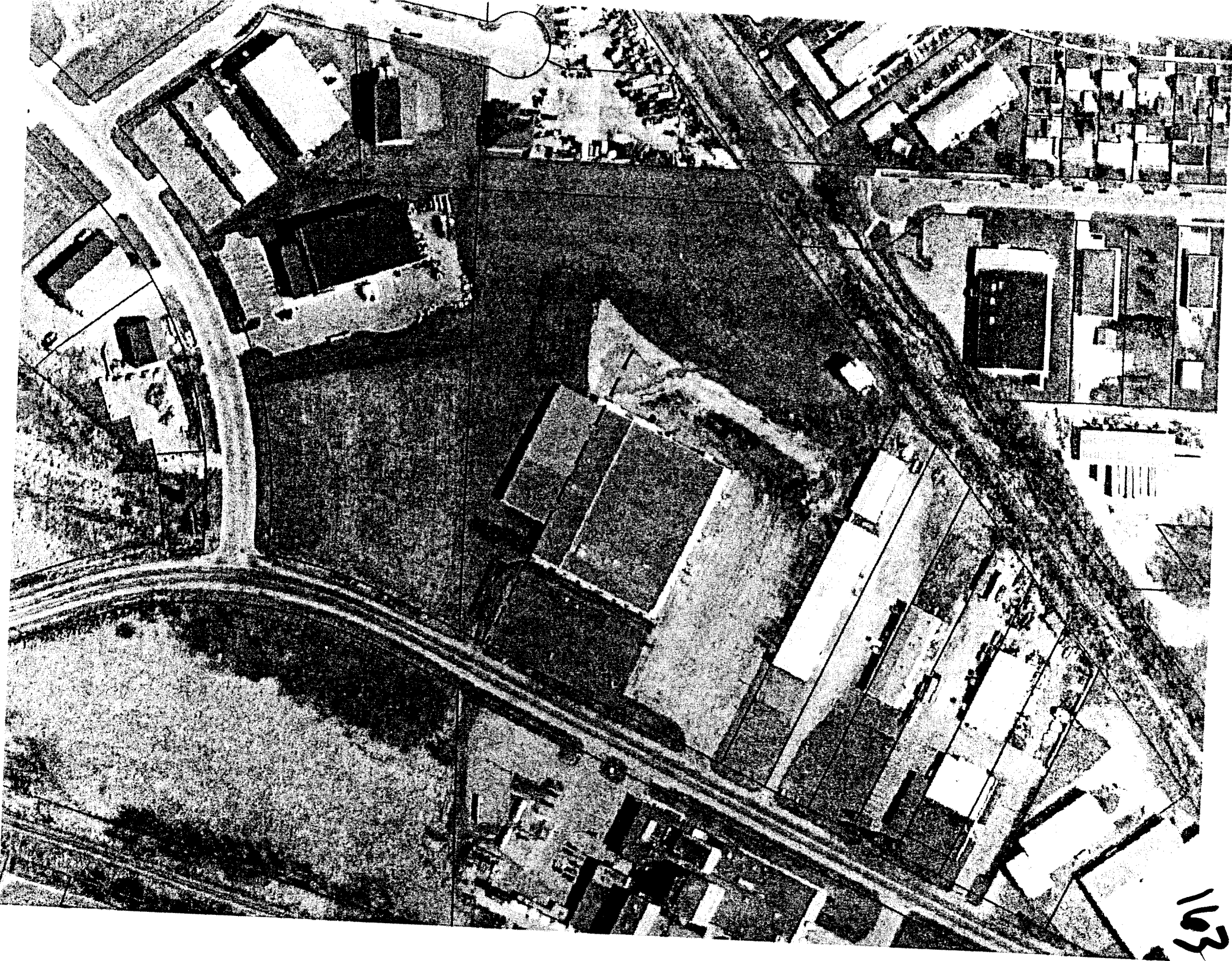
Final Plat #03-46 & GDP #225
Waters Subdivision
600' Notification Distance
Ward 3 McConnell
01/02/04

THWY 14
THWY 14

N FRONTAGE RD
N FRONTAGE RD

LAKE MEADOW DR NW
LAKE MEADOW DR NW

LAKE VISTA DR NW
LAKE VISTA DR NW



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WATERS SUBDIVISION

FRED SCUSTER IND. PARK
N 00°30'25" E
475.20

NO. LINE OUTLOT 'A'

VALLEYHIGH SECOND SUBD.
N 89°36'53" W
552.35

135.00
EXCEPTION

311.04

241.31

LOT 1

BLOCK 1

LOT 2

618.88
S 2°44'32" W

CIM
SW COR
SEC 27-107-14

N 00°21'56" W
63.38

1/2" REBAR
SW COR
OUTLOT 'A'

40' NATURAL
GAS EASEMENT
(PER MODIFICATION AND
AMENDMENT OF NORTHERN
NATIONAL GAS CO. EASEMENT
RECORDED IN BK 8-3 OF
MISC. ON PAGE 142)
CENTERLINE OF EASEMENT IS
CENTERLINE OF INPLACE 10" PIPELINE

10' U.E.
7TH STREET

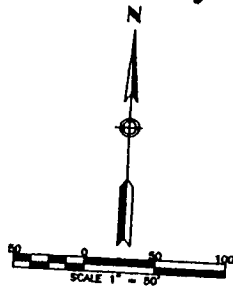
N 65°15'46" W
150.15

142.12

S 24°42'46" W
628.98

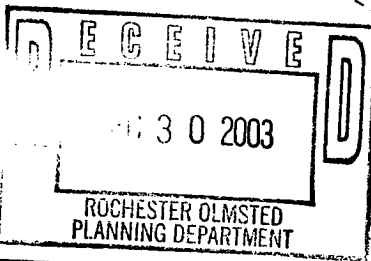
LOT 1
VALLEYHIGH SECOND SUBD.

C/L DAKOTA MINNESOTA & EASTERN RAILROAD
(FORMERLY CHICAGO NORTHWESTERN TRANSPORTATION COMPANY)
S 37°33'49" E
192.20



NOTE:
ALL MONUMENTS SHOWN HAVE BEEN
LOCATED BY THE SURVEYOR
WITH LICENSE NO. 111227
WHICH WILL BE SET WITHIN 1 YEAR
AFTER RECORDING OF THIS PLAT.
ALL MONUMENTS SHOWN HAVE BEEN
FOUND 3/4" PINE UNLESS
OTHERWISE NOTED.

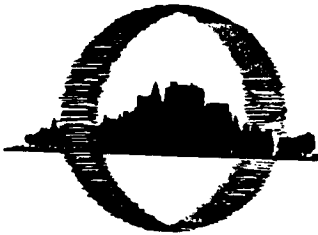
UTILITY EASEMENT (U.E.) defined:
An unobstructed easement for the construction
and maintenance of all necessary underground or
surface public utilities including rights to
conduct drainage and burning on said easement.



WATERS SUBDIVISION

SHEET 2 OF 2 SHEETS

PREPARED BY:
MAYOR & BETTS, INC.
SURVEYING ENGINEERS
PLANNING AND ENGINEERING
ROCHESTER, MINNESOTA



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council
FROM: Brent Svenby, Planner
DATE: January 15, 2004
RE: Final Plat #03-46 Water Subdivision

Planning Department Review:

Applicant/Owner:

Ron Braasch/Kevin Swanson
2630 South Broadway, Suite 500
Rochester, MN 55904

Surveyors/Engineers:

McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Referral Comments:

1. Rochester Building & Safety
2. Rochester Public Works Department
3. Planning Department – Addressing Staff
4. RPU – Water Division
5. RPU - Operations Division
6. MnDOT

Report Attachments:

1. Referral Comments (5 Letters)
2. Copy of Final Plat
3. Location Map

Plat Data:

Location of Property:

The property is located along the north side of 7th Street NW, south of Schuster Lane NW and southwest of the DM & E railroad tracks.

Zoning:

The property is zoned M-2 (Industrial) district on the City of Rochester Zoning Map.

Proposed Development:

The Applicant is proposing to re-subdivide Outlot A, Valleyhigh Second Subdivision into 2 lots for commercial development.

Roadways:

No new right-of-way is being dedicated with this plat, however controlled access will need to be dedicated. Based on access spacing standards this property will be limited to a single shared access no greater than 32 feet in width, unless the applicant receives a substandard access location from the City Engineer

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



(section 64.146 of the LDM). Location of the shared access shall be approved by the City Engineer.

Pedestrian Facilities:

A pedestrian facilities agreement has been executed for the property.

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. A No-Loss application has been submitted for this property; however, a decision cannot be made until Spring. The wetlands would not affect this plat.

Public Utilities:

Public utilities already serve the property. Existing utilities easements must be shown on the plat.

Parking:

Parking requirements for this property will be reviewed at the time specific development is proposed.

General Development Plan:

There is no approved GDP for the property. The applicant has filed a proposed GDP for the property, which will be reviewed at a later date.

Planning Staff and Recommendation:

No preliminary plat was required for this Plat. There are no new public roadways and no connections to adjacent properties.

Staff would recommend approval subject to the following conditions:

- 1. The Final Plat Documents shall include dedication of controlled access along the entire frontage of 7th Street NW; except for access locations approved through the General Development Plan review process for the property. If only one access is permitted, cross access easements must be recorded prior to or concurrent with the Final Plat documents, which provide for the joint access location, and long-term maintenance obligations.***
- 2. Prior to recording the final plat documents, the E911 Addressing and GIS Impact fees shall be paid as specified in the attached memorandum from the Planning Department GIS/Addressing staff dated January 2, 2004.***
- 3. The Final Plat documents shall include utility easements for the existing electrical distribution facilities, water main and fire hydrant existing on the property. Rochester Public Utilities shall approve the width of the easements.***
- 4. Grading and Drainage Plan approval is required prior to additional development on the property and a Storm Water Management Charge will be applicable for any increase in impervious surface associated with additional development.***
- 5. Prior to the recording of the final plat documents, all building code issues raised by the creation of the property line through the existing building shall be resolved to the satisfaction of the Rochester Building Safety Department.***

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

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DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX - 507-281-6216

FROM: Mark E. Baker

DATE: 1/12/04

The Department of Public Works has reviewed the application for FP#03-46 for the proposed Waters Subdivision (replat of part of Outlot 'A', Valleyhigh 2nd Subdivision). The following are Public Works comments on this request:

1. Grading & Drainage Plan approval will be required prior to additional development on this Property and a Storm Water Management Charge will be applicable for any increase in impervious surface associated with additional development.
 2. A Pedestrian Facilities Agreement has been executed for this Property.
 3. Execution of a City-Owner Contract is required prior to construction of any public infrastructure needed for additional develop of this Property.
 4. Based on access spacing standards, this subdivision will be limited to a single shared access for Lots 1 & 2, no greater than 32 feet in width, and in a location approved by the City Engineer. The Owner should submit a proposed access location to Public Works for review and approval. Once an access location has been approved, and prior to recording the plat, controlled access shall be shown along the entire frontage of 7th St NW, with the exception of the approved access.
- ❖ This Property has previously been assessed and paid charges for SAC, as well as, Sanitary Sewer & Watermain Connection associated with City Project 6207-4-68. The entire Property is subject to a Water Availability Charge (WAC) prior to any new utility connections being approved to municipal sewer and/or water, at the rate in place at the time of connection, plus a Storm Water Management Charge for any increase in impervious area.

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City of Rochester
Building Safety Department

Memo

To: Bret Svenby, Planner

From: Ron Boose, Building Safety Director *RB*

Date: January 14, 2004

Subject: Final Plat #03-46 AKA Waters subdivision

CC: Ron Braasch/Kevin Swanson
McGhie and Betts, Inc

It was recently brought to my attention that this proposed plat would create a new property line through an existing building. This action raises a number of building code issues as many code requirements are based on distances to property lines and the principle that contingent property owners should be provided some protection from the spread of fire from neighboring structures. The applicants have employed an architectural firm to prepare plans for remodeling of the structure and the firm has informed us that they are addressing the property line issues. We have not yet seen any plans for the proposed alterations and therefore cannot assess whether all building code issues have been identified and addressed. The architectural firm indicated that we might have preliminary plans for review before the Council meeting on January 21st. In either event, we would prefer that all building code issues raised by the creation of the property line be identified and resolutions agreed to prior to recording of this plat.



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: January 13, 2004

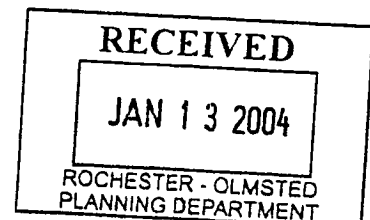
TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Final Plat #03-46 to be known as Waters Subdivision by Ron Braasch/Kevin Swanson.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division (e-mail only)
Mark Baker, Rochester Public Works (e-mail only)
McGhie & Betts, Inc. (e-mail only)
Ron Braasch / Kevin Swanson





DATE: January 9, 2004

TO: Jennifer Garness, Planning Dept.
Rochester-Olmsted Planning Dept.

FROM: Michael J. Engle, Supv. of Distribution Design
Rochester Public Utilities
280-1579

SUBJECT: Final Plat #03-46 to be known as Waters Subdivision by Ron Braasch/Kevin Swanson. The applicant is proposing to re-subdivide Outlot A, Valleyhigh Second Subdivision into 2 lots for commercial development. The property is located along the north side of 7th Street NW, south of Schuster Lane NW and southwest of the DM & E railroad tracks.

RPU's Operations Division review of the above-referenced final plat is complete and our comments follow:

1. A utility easement covering the location of the existing electrical distribution facilities should be shown on the plat.

Sincerely,

la
c. Ron Braasch/Kevin Swanson
McGhie & Betts, Inc.



we pledge, we deliver

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January 6, 2004

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Final Plat #03-46 by Ron Braasch/Kevin Swanson to be known as Waters Subdivision.

Dear Ms. Garness:

Our review of the referenced final plat is complete and our comments follow:

1. The existing 8" cast iron water main that runs along the east side of the existing building to the fire hydrant north of the building is considered public. A 20' minimum public utility easement is required for this main.
2. Final construction plans and a public utility easement for any water main extension or relocation required to serve the additional buildings will need to conform to standard City of Rochester Requirements. No plans have been reviewed at this time.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
McGhie & Betts, Inc
Ron Braasch/Kevin Swanson

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Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

FINAL PLAT REFERRAL RESPONSE

DATE: January 2, 2004

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; McGhie and Betts

RE: **WATERS SUBDIVISION**
FINAL PLAT #03-46

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JANUARY 1, 2004.

E911 ADDRESSING FEE: \$40.00 (1 LOTS/ADDRESSES)

GIS IMPACT FEE: \$320.00 (2 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

NOTE: Addressing fees for only one address are being assessed at this time, as there is already one address in use. The seven proposed buildings that are seen on the GDP will be assessed addressing fees at the time building permits are applied for.

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/21/04

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AGENDA SECTION:
RESOLUTIONS AND ORDINANCES

ORIGINATING DEPT:
CITY ATTORNEY'S OFFICE

ITEM NO.
G

ITEM DESCRIPTION:
RESOLUTIONS AND ORDINANCES

PREPARED BY:
TERRY ADKINS
TLA

G. 1. RESOLUTIONS

G. 2. FIRST READING OF ORDINANCES, as appropriate.

G. 3. SECOND READING OF ORDINANCES (for adoption).

- a) An Ordinance Creating and Enacting Chapter 19 of the Rochester Code of Ordinances, Relating to the City Advisory Committees, Boards and Commissions.
- b) An Ordinance Rezoning Approximately .79 Acres Of Property From The B-4 Zoning District To The B-1 Zoning District, And Amending Ordinance No. 2785, Known As The Zoning Ordinance And Land Development Manual Of The City of Rochester, Minnesota. Said property is located on the south side of Eastwood Road SE, and East of Casey's General Store.
- c) An Ordinance Amending And Reenacting Chapter 38 Of the Rochester Code Of Ordinances, Relating To The Housing Code: Registration Of Rental Units.
- d) An Ordinance Amending And Reenacting Chapter 34 of The Rochester Code of Ordinances, Relating To The Housing Code.

G. 4. MISCELLANEOUS

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

2A